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NEGRO MIGRATION INTO INDIANA, 1800-1860

BY

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PREFACE

The study of Negro migration before 1865, has been neglected in the study of Negro History. Carter G. Woodson in his A Century of Negro Migration, gives the best study on Negro movements before the Civil War. Most of the emphasis, however, is placed on the movement of Negroes after 1865. Frank A. Ross and Louise Kennedy compiled an excellent volume entitled A Bibliography of Negro Migration. This book begins with the year 1865. It is composed of all articles and books written on Negro migration. The preface of the book takes for granted that there was no outstanding movement of Negroes before 1865.

The purpose of this paper is to discuss Negro movements before the Civil War and to prove that Negroes have at all times migrated.

The first chapter deals with the Negro in the early period in Indiana until 1816. The second chapter is concerned with the number of Negroes and where they were concentrated. The third chapter recounts the sources of the Negro emigrants. The fourth chapter tells how the emigrants were able to get into Indiana before slavery was abolished, lastly, the fifth chapter gives an account of how the Negroes were received in Indiana after 1816.

I wish to acknowledge my sincere appreciation of the encouragement and helpful criticism that Dr. John D. Barnhart has given me in the preparation of this study.

Lois McDougald.

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CHAPTER I

SLAVERY AND INDENTURE SERVITUDE IN INDIANA

In making a study of the Negro in the early period, it is important that we know the number of Negroes in the area of which we are writing. It is necessary to speak of the Negro in the Louisiana, Illinois, and Northwest territories in writing of the Negro in Indiana. The Northwest Territory was created out of the upper part of the former French Louisiana Territory and the lower part of New France in 1787. The Indiana Territory was created out of the Northwest Territory in 1800, and the Illinois Territory was created out of a part of the Indiana Territory in 1809.

The earliest census taken of this section was in 1767. This census report gives to us a picture of the number of slave and free Negroes in relation to the remainder of the population at that time. It also shows how few in number were the slaves, especially in Vincennes which became a part of the Indiana Territory.

Census of Vincennes 1767¹

Inhabitants, Men, Women & Children:	232
Strangers:	168
Negro Slaves:	10
Savage Slaves:	17
Oxen:	352
Cows:	588
Horses:	260

Census of Illinois 1767

Inhabitants, Men, Women & Children:	600
Negro Men:	142
Negro Women:	81
Negro Boys:	80
Oxen:	295
Cows:	342
Horses:	216

¹ Clarence W. Alvord and Clarence E. Carter (eds.), The New Regime (Illinois Historical Collections, XI, Springfield, Illinois, 1916), 469.

The first United States census report, taken in 1790, did not include the North Territory, therefore, the number of Negroes at that time is not known. In 1800 the first census for the Indiana Territory was taken. There were 163 free Negroes, 76 of which resided in what is now a part of the Illinois Territory, and 87 resided in the present state of Indiana. There were 135 slaves, of which 107 were in the Illinois section or counties and the other 28 in what is now Indiana.²

Since some of these Negroes were slaves, it is necessary to consider the institution as it existed north of the Ohio River. In Indiana the slave question was a great and important issue, and it was a matter for dispute and discord in the Indiana Territory for several years, despite the fact that the slave population never exceeded three hundred persons.

Slavery had existed from the earliest times in the French post on the Wabash.³ In 1723 about six hundred slaves were brought into the Louisiana Territory of which the present state of Indiana was then a part.⁴

It is highly probable that some of these slaves at this early period were brought to the east bank of the Wabash, then they were carried into the Illinois Country. In 1719, one thousand slaves were brought into the Louisiana Territory, of which five hundred were transported into the upper section. It is also probable that some went to the Wabash post.

² Ninth Census of the United States, 1870, Statistics of Population, Table II, 26-27.

³ Jacob P. Dunn, Indiana, A Redemption From Slavery (Boston, 1905), 126.

⁴ Joseph H. Schlarman, From Quebec to New Orleans (Belleville, Illinois, 1929), 206.

It is evident that the slaves were increasing or were expected to increase in Louisiana by the extensive Ordinance published by Louis XV, in 1724.⁵ This Ordinance was concerned with the relations of masters and slaves. According to the Ordinance, all slaves were to be educated in the Apostolic Roman Catholic Religion and were to be baptized. No overseer was to be over the slaves who would prohibit them from being baptized and accepting religion. All subjects of every rank were to observe Sundays and holydays. None should labor or cause their slaves to labor. Priests were not to perform marriage for slaves unless given the consent of their masters, and masters were not to compel slaves to marry against their own inclinations. Whites were not to contract marriages with blacks. Children of slaves were to remain slaves and were to maintain the same status as their mothers. Slaves who had been baptized, upon death should be interred in the holy grounds. Slaves were not to bear offensive arms. Those of different masters were prohibited from gathering on the pretense of weddings, and masters were to be punished for permitting such gatherings. Purchases of slaves were to be examined. Slaves who did not show a letter of marque from their masters were subject to losing their goods. The superior council in Louisiana would decide on the clothing and food of the slaves. Those not fed and clothed by their masters could appeal to the procureur-general of the Council. Aged and feeble slaves were to be supported by their masters. Slaves were not eligible for offices or commissions and could not be parties in civil cases, and also criminal actions could be taken against the slaves without in-

⁵ John B. Dillon, A History of Indiana, from its Earliest Exploration by Europeans to the close of the Territorial Government, in 1816 . . . (Indianapolis, Indiana, 1859), 31.

volving the masters. Slaves who struck their masters or members of his family were to be punished by death. Masters were to pay for thefts by their slaves. Slaves who left home for one month were to be punished by losing one ear, the third offense of this nature was punishable by death. Slaves could be moved but could not be exchanged for other goods. Families could be sold separately if under the same master. When freed, they were to have the same rights as whites. By this act upon orders of the king, slavery was legalized in the Louisiana Territory. If the French slaves were treated benevolently, it was not because the masters lacked the authority to be harsh.

The Negro slaves in the upper section of the Territory were more fortunate than those in the lower section. There were several reasons for the better treatment of slaves. The plantation owners were able to rule their plantations as they pleased or saw fit, since they were under an official called the mayor commandant who was a subordinant of the governor of the Territory. Slavery in the northern section did not get beyond the patriarchal stages as most owners had only three or four. The plantations of the West were of a different type than those of the South. They were not as large, did not have the same crops, did not require the same amount of work, neither did they have a large number of workers. The slaves were usually well fed, there was always three times as much food as could be used.⁶ Maize, which the French called Turkish corn grew marvelously, yielding more than a thousand fold. It was the food of the slaves and most of the natives of the country.⁷ The relations between the masters and slaves were usually

⁶ Reuben G. Thwaites (ed.), Travels and Explorations of the Jesuit Missionaries in New France, 1610-1791 (73 vols., Cleveland, Ohio, 1896-1901), LXIX (1900), 145-147.

⁷ Ibid., 219.

friendly in the North. Male slaves worked side by side with their masters and the females went to vespers with their mistresses.⁸ Slaves mingled freely in all festive enjoyments.

Those in the missions were taught to read and write and were given other instructions.⁹ By the very nature of the French it is believed that the Negroes fared better in this section than in any other slave area of the country. The slaves were required to have religious instruction in the Catholic Orders and this was more than could be said for most other sections, where Negroes were not allowed to attend their own church services.

By the terms of the Treaty of Paris in 1763 the British took over the sovereignty of this territory and held it until 1778. The British were slow in organizing the newly acquired territory and did not actually take complete control of the country until 1765. The number of slaves diminished since some of the French took their slaves to the Spanish possessions. The treatment of slaves under the British rule, which began in 1763, was similar to the French period due to the small number that were in the territory during the period of occupation. The Negroes did not come into the Territory in as great numbers as they did when the French had control. A British subject writing from Vincennes in 1766 stated: "They [the French] have a good many Negroes, who are obliged to Labour very hard to Support their Masters in their extravagant Debaucheries."¹⁰

⁸ Carter G. Woodson, A Century of Negro Migration (Washington, D.C., 1918), 7n.

⁹ Thwaites (ed.), Travels and Explorations of the Jesuit Missionaries . . ., LXX, 245.

¹⁰ Alvord and Carter (eds.), The New Regime (Illinois Historical Collections, XI), 228.

In 1778 when George Rogers Clark gained for the Colony of Virginia a domain later known as "The Territory of the United States northwest of the River Ohio,"¹¹ and eventually known as the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin, the Negroes were under the Americans. This was the second time they had changed and were under a different rule.

Immediately, on December 24, 1778, Mr. Clark issued a statement known as the "Proclamation of George Rogers Clarke." There were six provisions of this proclamation. They are as follows:

1. We forbid and prohibit very expressly all persons of whatsoever quality they may be from selling to, causing to be given to, or trading with the red and black slaves any intoxicating liquors under any pretext whatsoever and in any quantity, little or big, under penalty of twenty piastres fine for the first offense and of double, if it is repeated; of which fine the accuser shall receive half.
2. We forbid all persons living on this bank to lend or rent gratuitously to any red or black slaves their house, buildings, and courts, after sunset or for the night, for the purpose of dancing, feasting, or holding nocturnal assemblies therein, under penalty of forty piastres fine for the first offence and of double, if it is repeated; of which fine the accuser shall receive half. We do not intend, however, to prevent the said red or black slaves from taking their recreation in dancing on Sundays and feast days; provided it is during the day time, and the said slaves are furnished with a permit signed by their masters to the effect that all persons can rent or lend them their houses for the purpose of dancing without restraint during the day.
3. In order to prevent thefts and robberies by red and black slaves, we forbid them to go out of the house or court of their masters after tattoo is beaten unless they are provided with a permit signed by their said master, and this shall be granted them only in case of necessity and can be used only once. Those who shall go out after tattoo is beaten, without being furnished with the said permit, shall in a public place be given thirty-nine strokes of the whip at the expense of their masters. Likewise he who shall go from one village to another without being furnished with a permit from his master shall suffer the same chastisement; and if it is repeated, he shall be punished with twice the number of strokes, always at the expense of his master.

¹¹ Hiram W. Beckwith, "General George Rogers Clark's Conquest of the Illinois," Illinois Historical Collections (Springfield, Illinois, 1903-), I, 171.

4. Finally we forbid all persons to buy from, or exchange with, the said red or black slaves any goods, commodities, pigs, wood, or other things whatsoever, unless the said slaves are furnished with a permit from their masters to sell or exchange the said commodities; and this under penalty of an arbitrary fine payable by the transgressors of this our present proclamation.
5. We enjoin all captains, officers of the militia, and other individuals to enforce the execution of the present proclamation, and all white men to arrest the red or black slaves whom they shall meet in the streets of each village of this bank after tattoo is beaten or eight o'clock in the evening; and likewise the slaves who shall be found after the beating of tattoo or eight o'clock in the evening in the cabins of other slaves than those of their master shall be also arrested and, in a public place, beaten with thirty-nine strokes of the whip at the expense of their masters; and he who shall arrest one or several slaves, after the beating of tattoo or eight o'clock in the evening, either in the street or in a cabin which is not the dwelling place of the slave, shall receive [que?] piastres for each slave who shall be arrested, at the charge of the master to whom the slave shall belong.
6. Our present proclamation shall be posted on the door of each church of the villages of this bank so that no person can be ignorant thereof.¹²

Mr. Clark, evidently, had great plans for the emigration of the Virginia people and their slaves into this rich country around the Ohio River. This probably accounted for such an extensive law for so few slaves. Laws to regulate relations between masters and slaves were not issued. Similar laws in other states, though often very harsh, did give the slaves some protection from officers of the law. Evidently, these slaves were to be regulated by the Black Code of Virginia.

In 1783, with the signing of the Treaty of Paris, Virginia ceded this part of her territory to the United States government. According to the terms of the Virginia Cessions, "the French and Canadians inhabitants, and other settlers of Kaskaskies, Saint Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and their tiles confirmed to

¹² Clarence W. Alvord (ed.), Kaskaskia Records, 1778-1790 (Illinois Historical Collections, Springfield, Illinois, 1909), 65-68.

them, and be protected in the enjoyment of their rights and liberties."¹³ This statement, as we shall later see, was used as a basis for holding slaves in what was to be a free country.

The United States government created the Northwest Territory by the Ordinance of 1787.¹⁴ This put the Territory under a new rule. Slavery was prohibited by the sixth article of this Ordinance except in the punishment of crimes. At the time of the passage of this Ordinance there were three groups of slaves in the Northwest Territory: first, those owned by the French prior to the cessions of the country to the British in the Treaty of Paris in 1763, which gave them all the rights to the effects; secondly, those held by the colonist at the time of our independence and who were recognized by England in 1783; thirdly, those held by the citizens of Virginia who, according to the terms of the Virginia Cessions, had a title to their slaves.¹⁵ There were some who were brought in under the American administration, these were held illegally. Slaves were later held in violation of the Ordinance of 1787, by the decisions of the courts, and by an interpretation given the sixth article of the Ordinance by Governor Arthur St. Clair of the Northwest Territory. In a letter written to the President on May 1, 1790, Governor St. Clair stated:

¹³ For the Virginia Act of Cession--1783, see Francis N. Thorpe (ed.), The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies . . . (7 vols., Washington, D. C., 1909), II, 955-956, see 956.

¹⁴ William MacDonald (ed.), Select Documents Illustrative of the History of the United States, 1776-1861 (New York, 1905), 21-29.

¹⁵ Earl C. McDonald, "The Negro in Indiana Before 1881," Indiana Magazine of History (Bloomington, Indiana, 1905-), XXVII (1931), 291-292.

I have thought proper to explain the Article respecting Slaves as a prohibition to any future introduction of them, but not to extend to the liberation of those that the People were already possessed of, and acquired under the Sanction of the Laws they were subject, . . .¹⁶

In a letter to the Secretary of State, February 10, 1791, Governor St. Clair again stated that the Ordinance of 1787 did not mean the Emancipation of slaves they were in possession of, and had obtained under the laws by which they had been formerly governed, but was intended simply to prevent the introduction of others.¹⁷

When the Indiana Territory was created in 1800, its basis of government was the Ordinance of 1787, which still included the sixth article, which prohibited slavery and involuntary servitude, except in the punishment of crimes. When the Ordinance was passed, there were nearly two hundred persons held as slaves in what is now Indiana. Many of these were taken out of the territory into the Spanish possessions or other places where slavery was not illegal. Others remained and continued to hold their slaves claiming a legal right to do so.

In the Indiana Territory, there were at least four major viewpoints held by the people concerning slavery. First, there were those in the territory who, having left the slaveholding states because of the spread of the plantation system in which they were in economic competition with slaves and free Negroes, a group who did not want the Negro slave or free, but who wanted this Territory to be a white man's country. Secondly, those who were not in favor of the slave system and had left the south because of it wanted to make this a rich prosper-

¹⁶ Clarence E. Carter (ed.), The Territorial Papers of the United States (Washington D.C., 1934-), II (1934), The Territory Northwest of the River Ohio, 1787-1803, 248.

¹⁷ Ibid., 332.

ous country by inducing the rich slaveholders of the South to come into the territory; they wanted slavery not so much for themselves, but to increase the wealth and population of the territory. Fourth, there was the Harrison group,¹⁸ who had aristocratic manners characteristic of the plantation south and wanted to keep that type of society; this social order could only be maintained with a system of slavery, consequently these people were to put forth much effort to get the system of slavery or a system of long term indenture servitude.

Those who wanted slavery were willing to go to a higher court or authority in order to achieve their ends. They sent petitions to the national government, asking for a repeal of the sixth article of the compact. Three months after the Indiana Territory was created, the inhabitants of Randolph and St. Clair counties sent a petition to the national government concerning slavery.¹⁹ These two counties are now a part of Illinois. In the petition, they stated that they were grieved and surprised to know that the government was trying to deprive them of their most valuable property, and that they had been reduced to the most abject state of poverty by the passage of this act. The most wealthy of the inhabitants had gone to the Spanish possessions. The emigration from the sundry parts of the United States into Louisiana is immense among the wealthy reputable and industrious persons, all, or most of whom, would have come into this territory if slavery were not prohibited. They expressed a whole-hearted desire that slaves from any part of the United States, when admitted, should continue in

¹⁸ John D. Barnhart, "The Southern Influence in the Formation of Indiana," Indiana Magazine of History, XXXIII (1937), 261.

¹⁹ Jacob P. Dunn, "Slavery Petitions and Papers," Indiana Historical Society, Publications (Indianapolis, Indiana, 1895-), II (1895), 455-461.

a state of servitude during their natural lives, and that their children should serve until they were thirty-one years of age. They did not want slaves from a foreign dominion. No report was given on this petition, and it was later tabled.²⁰ Two years later, on December 23, 1802, the Vincennes Convention was called.²¹ This convention has been falsely labeled "the slavery convention," because only four of the twenty paragraphs of the petition are concerned with the question of slavery and the sixth article of the compact. In this petition the sundry citizens did not ask a repeal of the act, but were anxious for its suspension for a period of ten years. Slaves brought into the territory during the period of suspension would continue in the same state of servitude as if they had remained in those parts of the United States where slavery existed. The House of Representatives on February 17, 1804, adopted a report which was contrary to the wishes of the people. This report was issued after the House had agreed to suspend the antislavery act for ten years.²² This occurred after members of Congress, including John Randolph, disagreed.

In September, 1803, since the national government refused to suspend the sixth article of the covenant, some citizens of Indiana demanded slavery, saying they would separate and form a new territory if their wishes were not, if their wishes were not granted. The major portion of those who were threatening to take this step resided in Illinois counties. The Governor and Judges in their legislative capacity, (although probably in violation of the Ordinance), passed

²⁰ Ibid., 461.

²¹ Ibid., 461-469.

²² American State Papers: Miscellaneous, I, 387.

a statute regulating the relations between masters and servants.²³

This was a legal permit and a guarantee that it would be safe for the masters to bring their servants into this territory, because it did not interfere with the existing conditions of servants. This law could also be construed to mean that persons could bring in as many servants as they wished. This appears to be the only reason that can be advanced for adopting a law from the Virginia Code, which regulated 345,796 slaves, for the purpose of regulating 135 slaves.²⁴

The law concerned all Negroes, Mulattoes (and other persons not citizens of the United States) who should come into this territory under contract to serve another in any trade or occupation. The servants were to have sufficient clothing and food and at the end of their services were to have completely new clothing. The contract could be transferred if the servant completely and freely consented before a Justice of the Peace. For misconduct, servants were to be corrected by stripes on order of the Justice of the Peace of the county where he resided. Expenses in the apprehension of servants would be paid by the servant before he should be freed from service. Masters could be taken to count for injurious demeanor toward his servants. All contracts made between masters and servants after the indenture contract were to be void during the period of service. Servants were allowed to own goods and money. Masters were to keep servants who were lame or sick until their term expired. Negroes, Mulattoes, or Indians were permitted to own servants of their own color only. Persons were not to buy from

²³ Francis S. Philbrick (ed.), The Laws of Indiana Territory, 1801-1809 (Illinois Historical Collections, XXI, Springfield, Illinois, 1930), 42.

²⁴ John Cummings, Negro Population in the United States (Washington, D. C., 1918), 57.

or sell to servants. For violations of penal laws, servants should be punished by whipping after the rate of twenty lashes for every eight dollars, not exceeding forty dollars. After the completion of service, his or her freedom should be recorded.

In 1804, the Governor, upon hearing that some "evil persons" were about to remove some indenture servants without their consent having first been obtained, and with the adjudged design of selling them as slaves contrary to the law and dignity of the United States, issued a proclamation forbidding and strictly enjoining the person from carrying into execution their inhuman designs and that they should answer the same at their peril and at the same time required and commanded all magistrates and other civil officials to extend themselves in their several capacities in giving proper and necessary relief to all persons illegally confined for the purpose mentioned above, and to secure and bring to justice any person who violated the law.²⁵

Below, are two original indenture contracts of Negroes as used in Indiana. These contracts show how long the Negroes were to serve, in this instance 30 years, and under what conditions they were to serve. It is interesting to note how complicated the contracts read especially for the two Negroes concerned, since they could not read or write. We can see by these contracts that Negroes under the indenture system were as much without rights as the Negroes in some of the slave states.

One contract was made in Kentucky where two Negroes were freed and afterwards were selling themselves into a different type of slavery. After a period of 30 years they were to have their freedom. In the

²⁵ William W. Woollen, Daniel W. Howe, and Jacob P. Dunn (eds.), "Executive Journal of Indiana Territory, 1800-1816," Indiana Historical Society, Publications, III (1900), 123.

other contract, Pickard (the Negro concerned) is in Indiana and is again legally selling himself into a type of slavery. This time he is to serve for a period of twenty years. The two contracts read as follows:

Two Indentures of Negroes.

This Indenture made this sixteenth day of December in the year One Thousand Eight Hundred & Eleven, Between Pickard & Jane, his wife, freed people of Colour, of the County of Shelby & State of Kentucky, of the one part, and Peter Hansbrough of the County and State aforesaid of the other, Witnesseth

that the said Pickard and said Jane from perpetual slavery, they having been his slaves and in consideration of what hereafter follows do Indenture and Bind themselves unto the said Peter Hansbrough for and during the term of Thirty Years to serve him with fidelity and subjection at all times without absconding themselves from service. And we the said Pickard & Jane doth make no Exception to render our service or services unto the said Peter Hansbrough or Heirs, altho removed to any of the United States or Territories thereof. And the said Peter Hansbrough doth covenant & agree to use the said Pickard & Jane with Humanity and to support & clothe the said Pickard & said Jane while performing faithfully their duty as Servants during the above term of thirty years, after which to let the said Negroes go free to all intents & purposes.

In Witness whereof we Pickard & Jane doth freely and voluntarily set our hands and seals hereunto, the day & year above written.

Test:

ENOCH HANSBROUGH.

JOHN LOGAN.

THOMAS BRADSHAW.

SAMUEL SHANNON, JR.

TRUMAN WHITE.

IGNATIUS P. RANDOLPH.

PICKARD X [Seal].

JANE X [Seal].

PETER HANSBROUGH[Seal].

This Indenture made this sixth day of November in the year Eighteen Hundred and fifteen, Between Pickard, a free man of colour, of the one part and Toussaint Dubois, Sr., of Knox County, Indiana Territory, of the other part, Witnesseth, That the said Pickard who is and acknowledges himself to be upwards of Twenty-one years of age, for and in consideration of the sum of Twenty Dollars to him the said Pickard in hand paid, and of Five Hundred dollars good and Lawful money for me, and at my special instance and request, paid Tompson Taylor, agent of Samuel Oldham, and more especially for the consideration of the said Toussaint Dubois, Sr., having set me free and emancipated me, from all bondage whatever Hath, and by these presents doth, binding self, to the said Toussaint Dubois, Sr., as an Indented Servant for and during the full end and Term of Twenty years, from the date of these presents, and that I the said Pickard, will during the said Term, aforesaid, faithfully, and Honestly serve him, the said Dubois, Sr., his heirs, Executors or administrators or assigns, as well

within the Indiana Territory as thereout, and that he the said Pickard will at all times give due obedience and attendance, to his or their Lawful business, and not at any time absent himself from his master, without his or their consent during the said Term. And that he will not at any time suffer his property or person to be injured if within his power to prevent it.

And the said Toussaint Dubois, Sr., for himself his heirs & doth covenant and agree, to and with the said Pickard, that he will at all times, during the said Term of Twenty years, furnish and provide him with competent and sufficient meat, drink, lodging and wearing apparel, as well in sickness as in health. And at the end of the said Term, to give him a freedom suit of clothes.

Indiana Territory, ss.:

In Witness whereof the said Pickard, and the said Toussaint Dubois, has hereunto set their hands and seals. The day and year first above written.

his
PICKARD X [Seal].
mark

Signed, sealed and delivered in the presence of
GEORGE R. SULLIVAN.
JAMES E. READ.
B. PARKE.

DUBOIS [Seal].²⁶

With the passage of the act of 1803, to regulate masters and servants, which corresponded to the black code that was found in some of the slave states, the people still were not satisfied. They wanted either that this act be recognized by the United States government or assurance from the national government that the sixth article of the act of 1787 would not interfere with it.

The legislature, in 1805, sent a petition to the House of Representatives asking that slavery be permitted in the territory. Slavery, they stated was not wanted for a sordid motive but for principles of justice and policy--justice in relation to slaves and policy in relation to the Southern states. Slaves in those states were highly problematical, and herded together by hundred, they could not be as comfortable

²⁶ "Two Indentures of Negroes," Indiana Magazine of History, VII (1911), 133-135.

as if they were scattered on small farms. The removal to western territories would relieve them of many hardships.²⁷

The House of Representatives in a committee report, agreed that slavery would be better cared for and that having them on small farms would prevent having too many in any one place. The committee suggested that the article be suspended for a period of ten years and that slaves should be permitted to come in from other places within the United States. This suggestion did not pass in the House.²⁸

In 1805, the sundry inhabitants of Randolph and St. Clair counties (who later separated and formed the Illinois Territory), sent a request to the national government. In this request it was asked that the sixth article be modified so as to admit slavery into the limits of the country, either unconditionally or as "you shall see fit." Congress also reacted negatively to this petition.²⁹

After the government reported unfavorable to these petitions that were sent in, the territorial assembly passed in 1805 an act to introduce Negroes and Mulattoes into the Indiana Territory.³⁰ By this act any person owning Negroes or Mulattoes above fifteen years of age could bring them into the territory. The owners, within thirty days, were to go before the court of Common Pleas, where the owner and his Negro or Mulatto should serve. The clerk was to keep a record of these agreements.

²⁷ Dunn, "Slavery Petitions and Papers," Indiana Historical Society, Publications, II, 476-477.

²⁸ American State Papers: Miscellaneous, I, 450-451.

²⁹ Dunn, "Slavery Petitions and Papers," Indiana Historical Society, Publications, II, 483.

³⁰ Philbrick (ed.), The Laws of Indiana Territory, 1801-1809 (Illinois Historical Collections, XXI), 136-139.

If any persons were to refuse to serve they could be removed to any place. Any slaves under fifteen when brought in could be held, the males until the age of thirty-five and the females until the age of twenty-eight. Any person failing to comply with these sections would be fined fifty dollars, any person who should forcibly take or carry out of this territory any Negro would be fined one thousand dollars. Children born of indentured parents were to be held, the males until thirty and the females until twenty-eight.

In 1806, the citizens of Randolph and St. Clair counties sent their third petition to Congress.³¹ Slavery, they stated would promote prosperity in this country. Slavery would have brought back the principle settlers of upper Louisiana, because they had been driven out by fear of losing their slaves. These citizens did not want slaves brought into the territory from foreign countries. Congress decided against the desires of these citizens.

An act concerning slaves and servants was passed in 1806. In addition to what was stated in the other acts, this act regulated the activities of slaves. Slaves could not be more than ten miles from home without a pass. If the servant or slave was found on the plantation of another unlawfully, the owner could give such persons ten lashes, riots and unlawful assemblies or trespasses and seditious speeches were to be punished by stripes not exceeding thirty-five. A penalty of one hundred dollars was the fine for harboring servants or slaves.³²

³¹ Dunn, "Slavery Petitions and Papers," Indiana Historical Society, Publications, II, 500-501.

³² Philbrick (ed.), The Laws of Indiana Territory, 1801-1809 (Illinois Historical Collections, XXI), 203-204.

A series of legislative resolutions were sent to Congress in 1806, demanding a suspension of the article for a period of ten years. The petitioners argued that this suspension would be highly advantageous to the states from whence they had come and to the Negroes themselves. They further stated: "it is not believed that the number of slaves would ever bear such a proportion to the white population as to cause any grave disturbances."³³

The citizens of Indiana sent a petition to the national government in 1807, it was declared that they were not interested in slavery nor how many slaves were held, but were interested merely in a policy of how slaves were to be disposed of so they would be of the greatest good to all. "Slavery," they stated: "is tolerated in the territories of Orleans, Mississippi, and Louisiana; why should this territory be excepted."³⁴ Slaves possessed in small numbers by farmers, are better fed and clothed than when they are crowded together in hundreds; their situation in Kentucky, Virginia, and Tennessee verify this belief. This article could be suspended for a period of ten years. The petition was sent to Congress.³⁵

A committee headed by a Mr. Parke reported on the petition and the members were in favor of a suspension of the article after January 1, 1808.³⁶ The Senate, after the citizens of Clarke County protested against the petition of the Indiana citizens, decided, "That it is not

³³ Dunn, "Slavery Petitions and Papers," Indiana Historical Society, Publications, II, 507-508.

³⁴ Ibid., 517.

³⁵ American State Papers: Miscellaneous, I, 467.

³⁶ Ibid., 477-478.

expedient at this time to suspend the sixth article of the Compact for the government of the territory of the United States northwest of the Ohio River."³⁷

The "servants" law of 1807, was the most despicable of all the slave laws in the Indiana Territory. In addition to the previous regulations concerning servants and slaves, this act provided that; servants who were lazy and disorderly should be punished by stripes and should serve ten days for each day they refused to serve; all expenses incurred in returning a runaway servant would be paid for by further services of the servant. Masters were to appear before the court for mistreatment of the servants. All contracts were void except the indenture contracts during the period of service. The court of Common Pleas was to hear complaints of servants and slaves against their masters. Servants could acquire and hold goods. Masters were to keep the sick and lame servants until their term expired. In all cases of penal laws, servants were to be punished by whippings, after the rate of twenty lashes per eight dollars. All servants were to have their freedom recorded and a certificate thereof. Servants traveling without a pass more than ten miles from home were to be punished by thirty-five lashes.³⁸

On October 19, 1808, the citizens of the Indiana Territory sent an antislavery petition "To the Council & House of Representatives of the Territory of Indiana, in General Assembly met:" These sundry inhabitants stated:

. . . in evasion, if not in manifest violation, of the said Ordinance, [1787] a Law has been passed introducing here a quallified species of Slavery, and such a law has received the sanction of the Executive,

³⁷ Ibid., 484-485.

³⁸ Philbrick (ed.), The Laws of Indiana Territory, 1801-1809 (Illinois Historical Collections, XXI), 463-467.

the appointed guardian of that same Ordinance. . . ."³⁹

The repeated petitions expressed the wishes of the minority of the people in Indiana. It was also stated that the arguments given would make people believe that the sentiments in the petitions were generally approved. The petitioners wanted to undeceive the public and to correct this too general error (that the absence of slavery was depriving good citizens from coming into the territory).

The petitioners, therefore, prompted by a sense of sacred duty asked permission in the most unequivocal manner to express their disapproval of a system so contrary to the laws of natural justice, a system which had the most deleterious influence upon the morals of society which it tended to corrupt and brutalize, and injuring every kind of useful industry, drove the farmer and mechanic to a more favorable climate and threw into the hands of the Negro holder the wages of the daily labour the only means of substance left to the poor. This system was frowned upon by every statesman of the age and deplored by all the enlightened Patriots of the Southern states.⁴⁰ Moreover, the citizens asked the general Assembly of Indiana not to send Congress any more pro-slavery petitions, they further asked that delegates sent to the federal legislature be opposed to the system of slavery.

The citizens of Harrison County, in a petition to the Senate and House of Representatives against William Henry Harrison as governor of the Territory, stated (among other things) that on September 17, 1807, he (Harrison) approved a law for the introduction of Negroes into this Territory. They firmly believed it to be in complete violation of the Ordinance that Congress passed on the thirteenth of July, 1787.

³⁹ Clarence E. Carter (ed.), The Territorial Papers of the United States VII (1939), The Territory of Indiana, 1800-1810, 603-604.

⁴⁰ Ibid., 605.

In a petition sent by the citizens of Clarke County in 1809, in opposition to William Henry Harrison becoming governor for the tenth time, they stated: "we need only mention that he sanctioned a law for the introduction of Negroes into this territory in violation of his oath of office, and against the known wishes of a large majority of the people of this Territory. . . ."41

The two above petitions seemed not to be so much in opposition to slavery as they were in opposition to Harrison. The slavery and the political issues of the times in Indiana tends to prove this statement.⁴²

In 1808, the citizens of the Illinois Country (Randolph and St. Clair counties) to the west of the Wabash River, sent a petition to Congress, asking that they be permitted to withdraw from the Indiana Territory and form the Illinois Territory. They gave, as one of their reasons for wanting to withdraw, the Servants act of 1803, which they felt was a type of "disguised slavery" in opposition to the national will.⁴³

It should be noted that the Illinois counties sent more pro-slavery petitions than the other counties, evidently they had either changed their views concerning slavery or wanted to become independent and slavery was the only reason they could use in obtaining their wishes. The anti-Harrison group was very strong in these counties.

An act was passed in 1808, which prohibited the assembling of more than three persons (servants) in a house, outhouse or shed for the purpose of dancing or revelling, either by day or night. Any person

⁴¹ Ibid., 703.

⁴² Ibid., 705.

⁴³ Ibid., 547.

convicted of such acts was liable to a fine of twenty dollars. Officials were to whip the servants in jail upon finding them and were to whip them not exceeding thirty-nine lashes. This did not include those persons who had the written permission of their masters.⁴⁴ The motive for this act might have been the fear of slave insurrections in Indiana, or it might have been slave insurrections in other slave holding states.⁴⁵

Several changes had taken place in the Indiana Territory by 1810. The Illinois counties, Randolph and St. Clair, had separated and formed the Illinois Territory. Migration was on the increase, persons came from the East and from the South who were not in favor of slavery. Some of Harrisons friends were now in the Illinois Territory. Several of his enemies were in the state legislature, and in 1810, the act of 1805 which introduced Negroes and Mulattoes into the territory was repealed. Servants were not to be taken out of the territory without a certificate from the judges of the Court of Common Pleas. A fine of one thousand dollars was to be paid for failing to abide by this law and the person fined would also be disqualified from holding office. An act concerning servants and slaves was also repealed.⁴⁶

The law of 1803 was enacted to let people know that their slaves would be safe in the Indiana Territory, regardless of the Ordinance of 1787. The act of 1810 was a law to let the slaveholders know that

⁴⁴ Philbrick (ed.), The Laws of Indiana Territory, 1801-1809 (Illinois Historical Collections, XXI), 523-526.

⁴⁵ Joseph C. Carroll, Slave Insurrections in the United States, 1800-1865 (Boston, 1938), 47-71.

⁴⁶ Louis B. Ewbank and Dorothy L. Riker (eds.), The Laws of Indiana Territory, 1809-1816 (Indiana Historical Collections, XX, Indianapolis, Indiana, 1934), 138-139.

their slaves would no longer be safe in the Territory.

In 1813 a law was passed compelling males (Negroes included) to work on the roads a number of hours per week. Negroes were to be taxed three dollars per annum.⁴⁷ A tax was levied on slaves in 1813. For every slave or servant above thirteen years, the owner was to pay two dollars per year. Slaves were listed as property.⁴⁸

Indiana obtained statehood upon meeting certain qualifications of the national government. The constitutional convention was held in 1816. The majority of the delegates were formerly southerners.⁴⁹ These southerners were antislavery, not because of the evils of slavery, but because they had been forced out of the South because of the spread of the plantation system and the inability to compete with the slaveholder and the free Negro and slave. Another faction wanted territorial growth and knew this could only be obtained by having slavery in the new state. The wishes of the antislavery group were successful in the convention and Indiana was admitted as a free state. The Constitution stated that there would be neither slavery nor involuntary servitude except in the punishment of crimes. The Constitution was never to be altered so as to introduce slavery or involuntary servitude into the state, otherwise than for the punishment of crimes whereof the party had been duly convicted.⁵⁰

⁴⁷ Daniel W. Howe, "The Laws and Courts of Northwest and Indiana Territories," Indiana Historical Society, Publications, II, 20.

⁴⁸ Ewbank and Riker (eds.), The Laws of Indiana Territory, 1809-1816 (Indiana Historical Collections, XX), 481.

⁴⁹ Barnhart, "The Southern Influence in the Formation of Indiana," Indiana Magazine of History, XXXIII (1937), 268.

⁵⁰ Charles Kettleborough, Constitution Making in Indiana (Indiana Historical Collections, I, Indianapolis, Indiana, 1916), 117.

This new Constitution would eliminate slavery in Indiana thereby discouraging the bringing of slaves into the state. Another reason that might be advanced for the adoption of an antislavery Constitution, is the fear of not being admitted into the Union with a pro-slavery Constitution, as was true of Illinois in 1818.⁵¹

The new Constitution only prohibited the further introduction of slaves; those who wanted to give them up at that time were free to do so, those who wanted to keep their slaves were not hindered.

In 1820, four years after the antislavery Constitution was adopted, the Supreme Court, in the famous test case State vs. Lasselle, decided that slavery was illegal in the State of Indiana. Colonel Hyacinthe Lasselle owned Polly, a woman of color in Indiana. Lasselle said all his slaves could be free after the adoption of the Constitution (1816), Polly did not leave and was treated as a house servant rather than as a slave.⁵² Lasselle freely consented to let this be a test case in the slavery question. The case was appealed from the Knox County Circuit Court. The Supreme Court gave this statement:

. . . Polly, a woman of colour, was brought before the Circuit Court by Lasselle, in obedience to a writ of habeas corpus. . . .

The question before this Court is, as to the legality of Lasselle's claim to hold Polly as his slave. . . .

. . . . In the 11th article of that instrument (Constitution of 1816), section 7th, it is declared, that "There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted." It is evident that, by these provisions, the framers of our constitution intended a total and entire prohibition of slavery in this states; and we can conceive of no form of words in which that intention could have been more clearly expressed.

⁵¹ Clarence W. Alvord, The Illinois Country, 1673-1818 (Centennial History of Illinois, 5 vols., Springfield, Illinois, 1918-1920, I, 1920), 462-463.

⁵² Dunn, Indiana, A Redemption From Slavery, 438.

Slavery was prohibited within the state of Indiana, by the expressed words of the constitution.⁵³

⁵³ The State v. Lasselle, 1 Blackford (1817-1826), 60-62.

CHAPTER II

NUMBER AND DISTRIBUTION OF NEGROES

When the second census was taken in 1800, the first for Indiana Territory, there were four counties in the territory. Two of the counties are now a part of Illinois, and Knox and Clark counties are a part of what is at present Indiana.¹

The territory was composed of all that part of the Territory of the United States northwest of the Ohio River, which lies to the westward of a line beginning at the Ohio, opposite the mouth of the Kentucky River, and running thence to Fort Recovery and thence North until it shall intersect the territorial line between the United States and Canada . . . And shall be called Indiana Territory.²

In 1800, there were 163 free Negroes and 135 slaves in the territory. Seventy-six free Negroes were in Randolph and St. Clair counties (Illinois) and 87 free Negroes were in Knox County, Indiana. There was a total of 433 Negroes in the Indiana Territory.³ The Negro population was 6.11 per cent of the total population, then 4,857.⁴ (See map number 1, for number and area of concentration).

During the period from 1800-1810, there was an increase in counties and population. Additional land was secured from the Indians. Three new counties had been added because of this increase in population. The Negro population increased with that of the white. According to the census report in 1810, 393 free Negroes were in the territory.

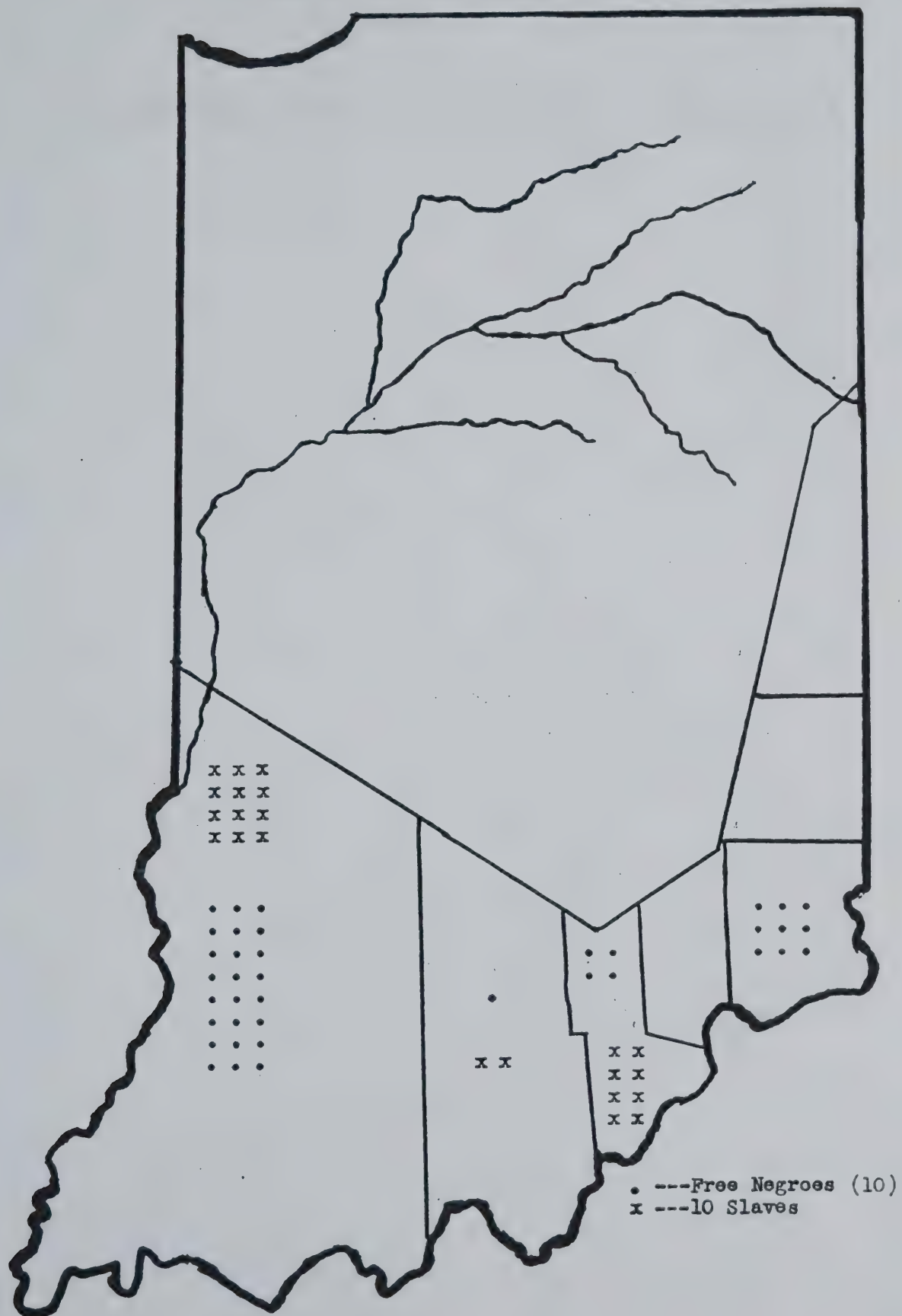
¹ Bowen's Indiana State Atlas (Indianapolis, Indiana, 1917), 6.

² Annals of Congress, 6 Cong., 1 Sess., 1498.

³ Ninth Census of the United States, 1870, Statistics of Population, Table II, 26-27.

⁴ Seventh Census of the United States, 1850, Statistics, Table V, 781.

NEGRO POPULATION IN INDIANA IN 1810
according to the Ninth Census of the United States



The number of slaves had increased to 237.⁵ The Negro population in Indiana was 630, while the total population was 24,520. The Negro population was 2.57 per cent of the total. (See map number 2).

The Illinois counties had withdrawn before the third census was taken in 1810, this caused a decrease in the land of the territory, but as was seen did not prevent the growth of population. There were nine counties of which, four listed Negroes only, three listed slaves while two had free Negroes and slaves. The Negroes and whites were concentrated in southern Indiana mostly along the Ohio River where the trade centers were at that time. The Negro population soon spread like that of the whites into the interior. Clark and Knox counties had the largest population of free Negroes and whites. (See map number 3).

By 1820, the free Negro population had increased to 1,230 and the slave population had decreased to 190.⁶ These changes were due mostly to the acquisition of statehood of Indiana in 1816, with an antislavery constitution. There were thirty-five counties, ten had over fifty free Negroes, twenty-five did not have slaves, while three did not have free Negroes or slaves. The total population for Indiana was 147,178, Negroes were 0.96 per cent of this population. (Map number 3 gives the number and area of concentration).

There were 3,629 free Negroes and 3 slaves in Indiana in 1830.⁷ The population both white and Negro was beginning to move into the interior of the state. The frontier was beyond the center.⁸ There

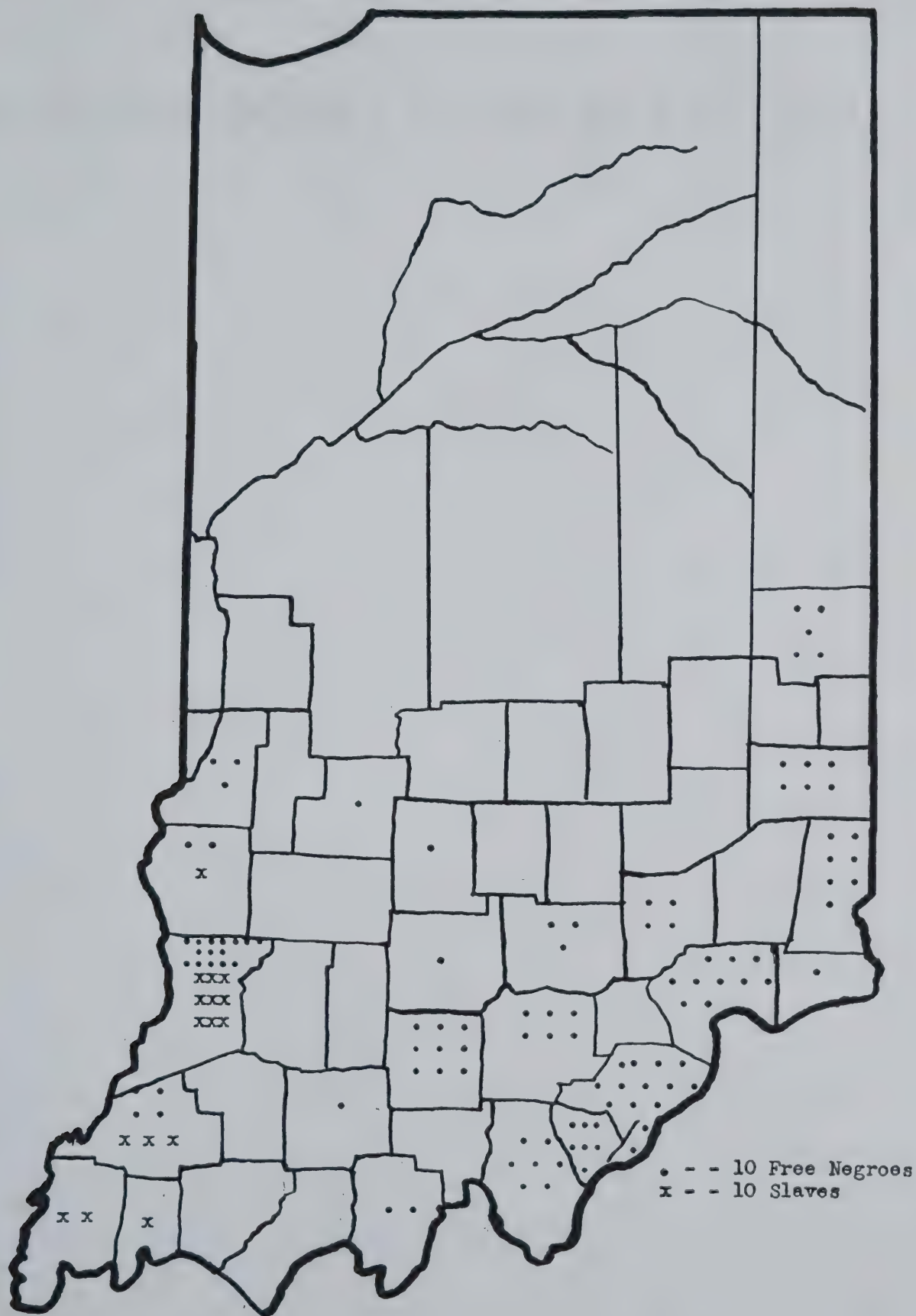
⁵ Ninth Census of the United States, 1870, Statistics of Population, Table II, 26-27.

⁶ Census for 1820, p. 39.

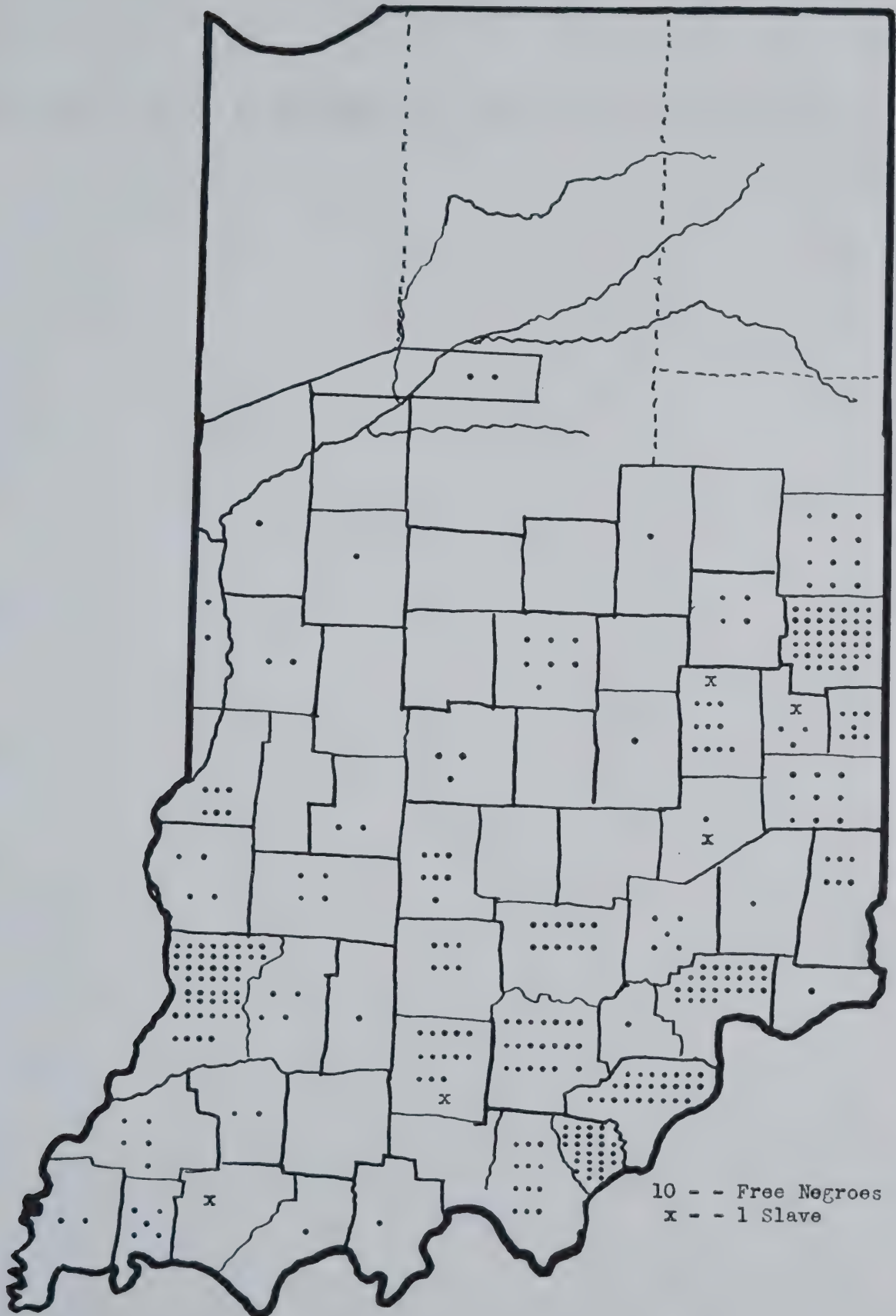
⁷ Ninth Census of the United States, 1870, Statistics of Population, Table II, 26-27.

⁸ See map number 4.

Map Number 2
NEGRO POPULATION IN INDIANA IN 1820
according to the United States Census of 1820



NEGRO POPULATION IN INDIANA IN 1830
according to the Ninth Census of the United States



were sixty-five counties, thirty of them had less than 50 Negroes, four counties had over 200 Negroes,⁹ and in three counties slaves were held.¹⁰ Marion County, in the center of the state, had a Negro population of 73, which shows that Negroes were beginning to move into the interior. Several counties in northern Indiana had less than ten Negroes. The total population was 343,031, Negroes were 1.06 per cent of this number.

The free Negro population in 1840 was 7,165 and there were 3 slaves listed in the census report.¹¹ Negroes were in seventy-four of the counties. Seven counties did not have a free Negro population, fifty counties had less than 50 Negroes, eighteen counties had over 100 free Negroes, these counties were south of Marion County. Seven counties had a Negro population of over 400 persons.¹² The slaveholding counties were Rush and Putnam in southern Indiana. The total population was 685,866, of this number 1.05 per cent were Negroes. The increase in Negro population was not great in proportion to that of the white. (See map number 5 for area of concentration.)

There were four principal towns in Indiana in 1840. These were: Madison, Indianapolis, Richmond, and New Albany.¹³

Free Negro Population in Principal Indiana Towns

Town	County	Free Negroes
Indianapolis	Marion	122
Richmond	Wayne	149
New Albany	Floyd	224
Madison	Jefferson	212

⁹ Clark, Floyd, Washington, and Knox.

¹⁰ Gibson, Warrick, and Orange.

¹¹ Sixth Census of the United States, 1840, p. 372.

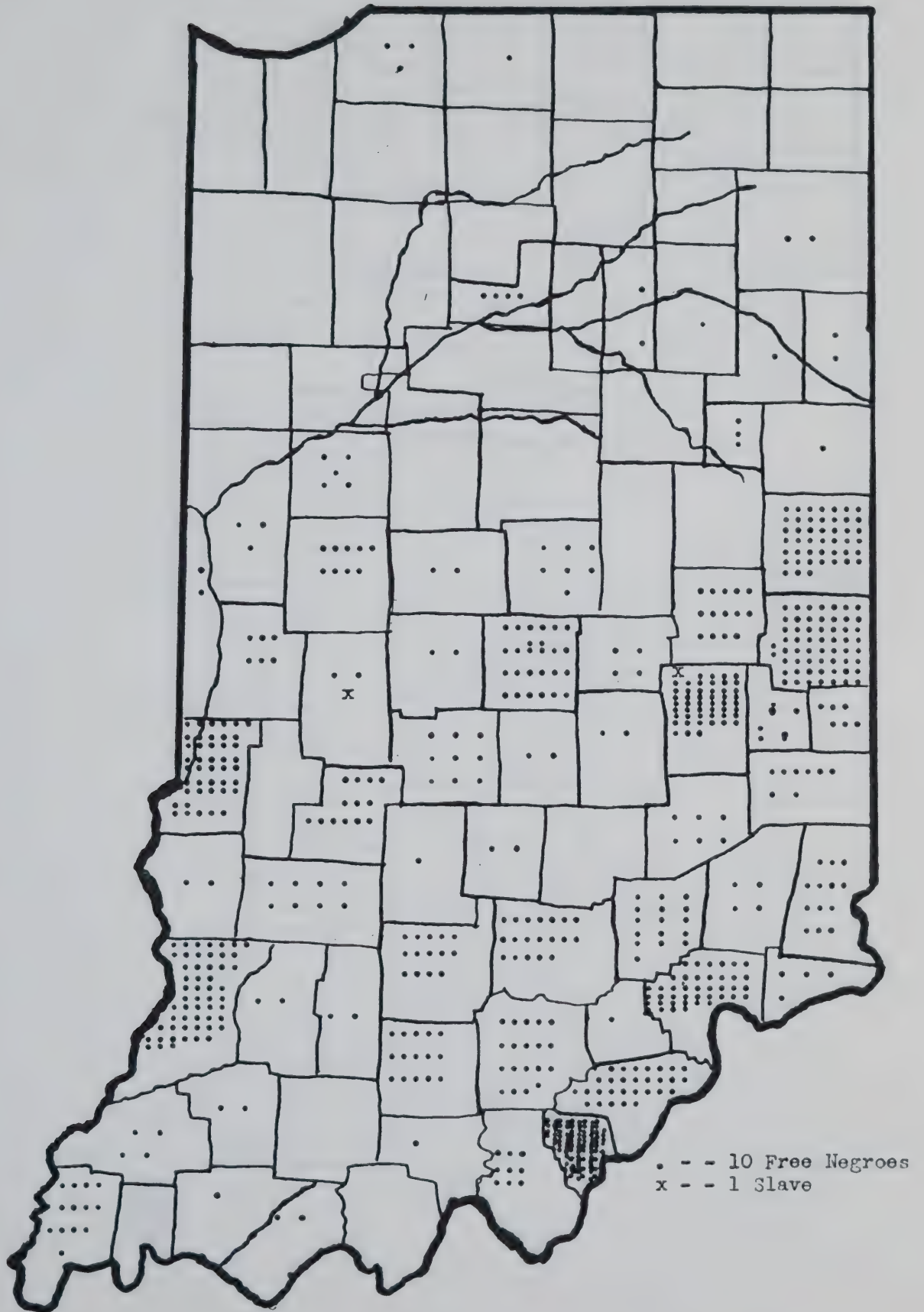
¹² Clark, Floyd, Jefferson, and Knox counties in southern Indiana, and Randolph, Vigo, and Wayne counties in central Indiana.

¹³ Compendium of the Sixth Census of the United States, 1840, 80-81.

Map Number 4

NEGRO POPULATION IN INDIANA IN 1840

according to the Sixth Census of the United States



Map Number 5

NEGRO POPULATION IN INDIANA IN 1850
according to the Seventh Census of the United States



The free Negro is still an agrarian group as is shown by the small number living in towns. Only 10.2 per cent of the total Negro population lived in cities in 1840.

The population of 1840, shows a tendency to begin concentration in the northern section of the state. (Map number 5 shows this.)

From 7,345 free Negroes in 1840, to 11,226 in 1850, is the report of the census of 1850.¹⁴ Negroes were listed in 89 of the then 91 counties. Eight counties had a population of more than five hundred Negroes.¹⁵ Forty-six counties had less than 100 free Negroes and sixty counties had less than fifty Negroes.

In the subdivisions of the counties, twelve towns had a Negro population of over 100, five towns had over 200 Negroes.¹⁶ The entire population was 988,416, of which the Negro population was 1.14 per cent.

From 1800 to 1850, there was a steady and noticeable increase in the Negro population.

Free Negro and Slave Population 1800-1850

Year	Free Negro	Slaves	Total population	Per cent of Negroes
1800	163	135	4,857	6.11
1810	395	257	24,520	2.57
1820	1,629	190	147,178	0.96
1830	3,629	3	343,031	1.06
1840	7,162	3	685,866	1.05
1850	11,226	0	988,416	1.14

The increase in population of Negroes from 1850-1860 is not as great in proportion as the increase from 1830 to 1840, or from 1840 to 1850. There are probably two reasons that can be advanced for this lack of

¹⁴ Seventh Census of the United States, 1850, Statistics, Table I, 756.

¹⁵ Clark, Floyd, Jefferson, Knox, Marion, Randolph, Vigo, and Wayne.

¹⁶ Ninth Census of the United States, 1870, Statistics of Population, Table II, 26-27.

growth in the Negro population. First, the Fugitive Slave Act of 1850, and secondly, the Indiana Constitution of 1851. These two important factors, taking place within one year of each other, show their effect, not by what has been written or studies that have been made, but by the census report of 1860. In 1850, there were 11,262 freedmen and in 1860, there were only 11,428 Negroes, an increase of only 202 persons in the decade.

The Compromise of 1850, had included in it the Fugitive Slave Act. In section five it is stated that,

it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse . . . he shall be fined the sum of one thousand dollars. . . .

Section six states that

when a person is held to service or labor in any State or Territory of the United States, . . . the person or persons to whom such service or labor may be due, or his, her, or their agent or attorney, duly authorized, . . . may pursue and reclaim such fugitive person In no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence; and the certificates in this . . . section mentioned, shall be conclusive of the right of the person or persons in whose favor granted, to remove such fugitive to the State or Territory from which he escaped. . . .

Section seven states,

That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, . . . from arresting a fugitive from service or labor, or shall harbor or conceal such fugitive, so as to prevent the discovery and arrest of such person . . . shall . . . be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months. . .¹⁷

- In 1851, the new constitution of Indiana went into effect. In article thirteen, it is stated,

¹⁷ MacDonald (ed.), Select Documents Illustrative of the History of the United States, 1776-1861, pp. 385-389.

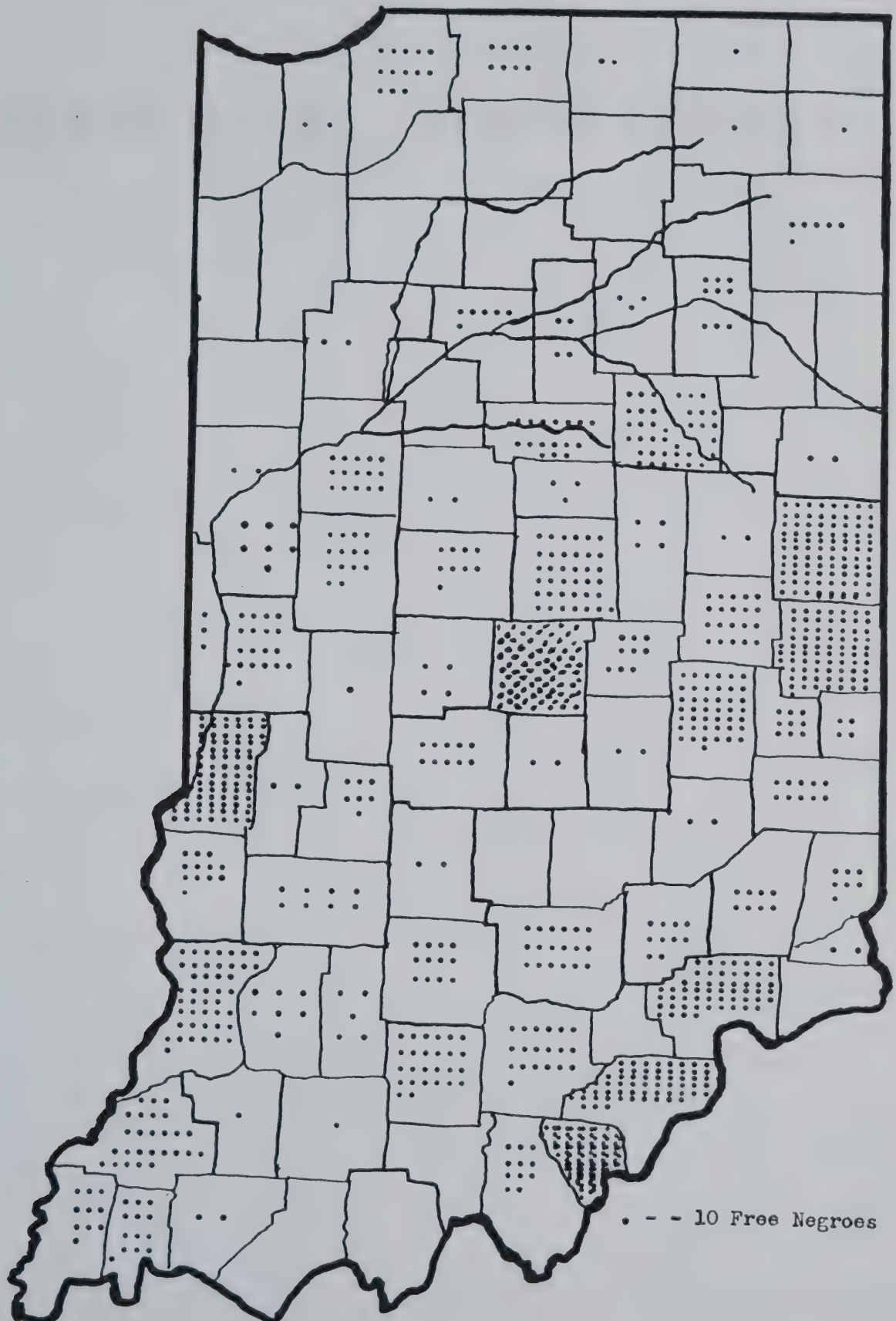
No Negro or mulatto shall come into or settle in this State, after the adoption of this Constitution. . . . Any person who shall employ such Negro or Mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.¹⁸

These two acts will be discussed more in detail later. They are only mentioned here to show their effect on Negro movements at this time.

During this decade, 1850-1860, Negroes did not increase in population as rapidly as before, but there was a movement of Negroes within the states. A majority of the Negroes were still concentrated in southern and central Indiana. They were scattered over a greater portion of the southern and central counties than was shown in the years prior to 1850. Seven counties had a population of over five hundred Negroes in 1860, whereas, eight counties had that number in 1850. Five of these counties were in southern Indiana, the other two were in northern Indiana. Nineteen counties had a Negro population of between one hundred and five hundred Negroes, six of these counties were located in northern Indiana. Fifty counties had less than one hundred Negroes, twenty-nine of these counties were located in northern Indiana. In 1850, forty-nine counties had less than one hundred Negroes, thirty-two of these counties were north of Marion County. In the subdivision of the counties, eight towns had a Negro population of more than two hundred Negroes, only five towns had over two hundred Negroes in 1850. New Albany's Negro population was 627, Indianapolis 498, and Richland 353 Negroes. The total population was 1,338,710. The Negro population was 0.853 per cent of this number. It is quite possible that, had it not been for the passage of these acts, the Negro population

¹⁸ Kettleborough, Constitution Making in Indiana (Indiana Historical Collections, I), 360-363.

Map Number 6
NEGRO POPULATION IN INDIANA IN 1860
according to the Eighth Census of the United States



would have shown a greater increase than was shown in 1860.¹⁹

¹⁹ Eighth Census of the United States, 1860, Statistics of Population,
Table No. 3, pp. 113-128.

CHAPTER III

NEGROES IN INDIANA IN 1850

From whence did these people come? What did they do for a living? Did they own property? If so, how much? What type of people were they? The census report for 1850¹ for the first time answers these questions about free Negroes. This year (1850) might well represent the best year for Negroes in Indiana before the Civil War. The population was large, slavery was illegal and nonexistent, and the Negroes were tolerated by the whites in Indiana. The underground railroad was still running, though, more slowly and with fewer passengers. Manumission, however, was on the decline, a few Negroes were set free and a few came west and into Indiana. Indiana had not and did not pass any personal liberty laws, the Negroes were safe in parts especially in those sections where the Quakers were in the majority. Negroes came into Indiana from the South, the Middle West, and the Middle States, and a few from foreign countries.

Nativity of the Free Negro Population, 1850²

Indiana		Other States		Foreign Countries		Country Unknown	
Males	Females	Males	Females	Males	Females	Males	Females
2,593	2,556	3,073	2,958	19	16	30	17

Most of the Negroes in Indiana in 1850, who had emigrated, came from North Carolina. There were 1,426 Negroes who listed their place

¹ The material for this chapter was taken from the microfilm copy of the Seventh Census Report (1850). This report includes names, age, place of birth, occupation, deaf and dumb and blind persons, and the real estate value of their property. This information is only given for free persons of color. Color is designated by W-White, B-Black, and M-Mulatto.

² Seventh Census of the United States, 1850, Statistics, Table III, 780.

of birth as North Carolina. Virginia ranked next to North Carolina with 1,172 Negroes who said they were born in the state of Virginia. One thousand one hundred and sixteen Negroes were born in Kentucky and were then living in Indiana. Ohio ranked next to Kentucky with a total of 826 Negroes born in that state and living in Indiana. Tennessee had a total of 600 free Negroes living in Indiana in 1850. The lower Southern states, South Carolina, Georgia, Mississippi, Alabama, and Louisiana had a total of 329 free Negroes living in Indiana in 1850. The other Middle Western states, Wisconsin, Illinois, and Michigan, had a total of 30 Negroes living in Indiana. There were 35 born in foreign countries: Africa, 8; Mexico, 2; British West Indies, 3; Holland, 2; Germany, 12; Canada, 6; and Ireland, 2. Forty-seven did not know their place of birth.

Most persons under twenty years of age were born in Indiana. The largest number born in Indiana were under ten. In all large families with young children, their place of birth in most instances would be Indiana. In some cases the older children from ten to twenty would give their place of birth in another state which was not the state of their parents' place of birth in most cases. This shows that the parents moved about and into several states before they finally settled in Indiana. Two examples of this is the family in which the father was born in Maryland, the mother in Virginia, the eldest son in North Carolina, and the youngest born in Indiana. In Clark County a father was born in Pennsylvania, a mother in Ohio, the eldest child in North Carolina and the four youngest children were born in Ohio.

In a few instances some families left their homes and seemingly, by the ages of their children, came directly to Indiana. All children were born in the same state including the youngest who would be from the age of two down. Seldom were the parents and children born in the

same state, and seldom were the parents born in the same state.

There were not over five heads of families in Indiana over 35 years of age who were born in the state. Very few are listed between twenty-five and thirty-five who were born in the state. This shows the immigration of Negroes to Indiana began at an early period.

It is not stated how long these immigrants had lived in Indiana. Judging from the age of the first child born in Indiana, is the best method to determine how long the families have lived in Indiana. An example of this is the case of a family where the father was born in Virginia and the mother in North Carolina, the eldest child born in Indiana was 13 years of age. All other children were born in Indiana. From this we could say the family had lived thirteen years in Indiana. Another example is the family whose father was born in Ohio, the mother in Maryland, the eldest child 18, and the next child was 16. The latter was born in Indiana. This would probably indicate that the family had lived for sixteen or seventeen years in Indiana.

Contemporary opinion differs regarding the conditions of the free Negro in the middle of the nineteenth century. The historian who uses the opinion of one group of observers in order to substantiate his point of view, will have difficulty in answering the statements advanced by another group. So frequently, only a portion of the free Negro population was seen and not the whole group. To one group of travelers the free Negroes were in a deplorable condition, and to another they were making progress. One group of people in the United States found the free Negro "a valuable class of citizens" while another spoke of them "as living in the alleys and byways of the cities."³

³ Charles H. Wesley, Negro Labor in the United States, 1850-1925, A Study in American Economic History (New York, 1927), 32-33.

These opinions were also expressed in Indiana concerning the free Negro. A Quaker would probably say the free Negro, when not hindered, would be an asset to the state. While the person in economic competition with the free Negro or biased toward him would give a different point of view.

This study is based on contemporary evidence. This evidence is the returns from the census report of 1850. From this we can see that the free Negroes in Indiana were not such a deplorable group, nor the lazy slothful people as they were spoken of on many occasions.

Few Negroes listed themselves as unemployed in 1850. In a space provided for the occupation of the inhabitants the word "none" or "unemployed" was seen not more than one dozen times. A majority of the people were doing some type of work. There were some instances where young Negroes were living on the farms of whites and the space below occupation was blank. These persons were not blind or deaf so we can imagine that they were performing some type of work on these farms.

The free Negro in Indiana did not hold many of the positions of skill as was also the case of free Negroes in other states. There were no clerks, collectors, coachmen, druggists, gunsmiths, lithographers, lawyers, mechanics, or pilots listed in the number of occupations given by the free Negroes in 1850. Indiana at that time did not have the same industries as New York, New Orleans, and Charleston--cities where Negroes held highly skilled jobs. The Negroes did the type of work that industry permitted in Indiana.

There were, however, many Negroes employed in the skilled trades. There were barbers and carpenters in most counties. Not more than four barbers were listed in any one county except Marion where there

were thirteen. The carpenters were listed in a like manner. Blacksmiths, another of the skilled trades, were listed in most of the counties and were about evenly distributed in the counties. Wayne County had fourteen listed. Several free Negroes in Floyd County on the Ohio River listed their occupation as boatsmen. The steamboat was a great industry in Indiana during this period, especially in the counties on the Ohio. There were about one dozen Negroes who were shoemakers in Indiana in 1850. Marion County listed two, the highest for any county.

Negroes in the Skilled Trades in 1850

Occupation	Number	Occupation	Number
Boatman	27	Lather	1
Basketmaker	2	Miller	1
Bricklayer	2	Mason	1
Barber	50	Matter	1
Butcher	3	Shoemaker	13
Blacksmith	31	Saddler	1
Chairmaker	1	Tailor	1
Cabinetmaker	3	Pumpmaker	2
Carpenter	26	Plasterer	1
Cooper	4	Potter	1
Ironmaker	1	Total	<u>173</u>

A majority of the Negroes listed themselves as farmers, and they were mostly tenant farmers, since they did not list any real estate. Farmers were found in all counties where free Negroes lived. Laborers ranked next to farmers in occupation. It is not known of what the work consisted. A few Negroes listed themselves as servants, whether they were house servants or indentured servants is not known.

Other Occupations of Negroes in 1850

Occupation	Number	Occupation	Number
Farmer	504	Trucker	1
Hewer of wood	2	Window Washer	2
Cook	19	Fireman	2
Tobacconist	3	Gold Collector	1
Grocer	3	Waiter	2
Waggoner	3	House Driver	1
Drayman	2	Whitewasher	4
Laborer	378	Gardener	2
Woodcutter	2	Total	926

Indiana was well represented in the professional world for this period, having been rid of slavery for so short a period. There were two Negro doctors in Indianapolis: Henry Penny from Kentucky, and Douglas Carry from New York. There were also two ministers listed in Marion County in 1850. In Centre Township in Marion County was Morris James from South Carolina, and William Douglas, an African Methodist Episcopal minister from Virginia.

In Vigo County there was one minister, William Davis of Kentucky, and one teacher, H. Jones of Ohio. In Washington County, there was a minister, Thomas Roberts from North Carolina. In Wayne County there was a teacher, James Fergerson from Ohio.

There were three professionals listed in Floyd County: Joseph Thomas was an engineer from North Carolina, William Greenlee of Pennsylvania was a teacher, and a Methodist minister, Bird Parker, had come from North Carolina.

Franklin County listed one minister whose former home was in Tennessee. In Jefferson County a Methodist minister from North Carolina was listed. There was an engineer, Henry Bundy from Virginia. An engineer was listed in Henry County and a minister in Jackson County.

This list of professionals speaks well for this pioneer state with such a small population of free Negroes.

Professional Occupations of Negroes, 1850

Occupation	Number	Occupation	Number
Engineer	3	Teacher	<u>3</u>
Doctor	2	Total	16
Minister	8		

The Negroes who came into Indiana were an energetic and prosperous group for the most part. This can be stated after comparing the conditions in which most of them came in with one of the best years before the Civil War.

Most of the Negroes escaped as fugitives, not having sufficient food or clothing to get to free soil. Coffin speaks of some of the fugitives, "They generally came to us destitute of clothing, and were often barefooted."⁴ Most of the Negroes lacked the small funds which some of the pioneers had when going to establish themselves in a home in the wilderness and lacking above all, the initiative of which slavery had deprived them.⁵

There was increasing hatred of the Negroes, and labor conditions were bad. Whites performed work in the North and West that Negroes had done in the South. These conditions were a great obstacle to the free Negroes in Indiana as in other states. Nevertheless, since the labor and skill of industrious Negroes were assets to the community, they could advance themselves. According to the census report of 1850, most Negroes, who were heads of families, were employed in some type of work. Negroes owned real estate which would be favorable to any free Negro community in the United States in 1850. The property was evidently evaluated on the basis of its cost.

⁴ Reminiscences of Levi Coffin, The Reputed President of the Underground Railroad (Cincinnati, Ohio, 1876), 113.

⁵ Carter G. Woodson, A Century of Negro Migration (Washington, D.C., 1918), 81.

The property value rated with the population of the town or county. If the population was small then the real estate value was small. This, however, is not always the case.

In Randolph County the free Negro's property was valued at \$30,980. In Vigo County his property was valued at \$29,150, and in Wayne County \$26,660. These counties have the best showing. In only a few counties, mostly where the Negro population was low or lacking, was there no property value given. The property value ranged from \$35.00 to over one thousand dollars. The following chart lists a few of the Negroes with property with real estate values of over one thousand dollars:

Name	Place of Birth	Occupation	Property Value
Bryant Thomas	North Carolina	Farmer	\$ 2,500
Charles Perry	Kentucky	Barber	2,000
Joseph Fulnak	North Carolina	Barber	1,000
William Chandler	North Carolina	Farmer	3,000
Jordan Anderson	North Carolina	Farmer	2,000
Vincher Roberts	Virginia	Farmer	3,000
Dickson Stewart	North Carolina	Farmer	3,000
Lewis Andrews	North Carolina	Farmer	1,000
Nelson Barf	North Carolina	Farmer	1,000
Wilkerson Clarke	North Carolina	Blacksmith	1,000
Seth Thomas	North Carolina	Farmer	4,000
Jacob Wood	Virginia	Farmer	1,000
Richard Epps	Virginia	Farmer	1,600

As seen in the above chart, farmers were the most prosperous group. In the real estate values of above \$200, but below \$1,000. there are some cooks, laborers and draymen. Laborers have the lowest property value usually getting a very low salary.

The census report of 1850 only required the professions, occupations, and trades of the male population. So, it is not known how many free Negro women worked. The single women mostly lived with white families and were listed with these families. By living with these white families and being young, it is believed that they were employed as household servants. It is known that many families in

Indiana did not require Negro women's help as the persons in the Southern states did. There were many, including some of the plantation group, which required some helpers.

The housing situation of the free Negro in Indiana could have been better. We will not say that it was deplorable, but it was unfortunate. In most instances two and three large families lived in the same house. Each household was designated by a number in which each head of the family would be given with his family. A new number indicated that a new house was listed. For the most part many of these families were on the average of seven persons, usually from five to seven children and the parents. It could not have been very comfortable with fourteen or more persons living in one house. No statement was given as to the condition, nor sizes of these houses in Indiana.

In regard to the marital status of the free Negro in Indiana in 1850, a majority were family people. Few single people had houses, most of them lived with some Negro family and a few were listed with the household of some white family. These single persons were the average age of twenty-three. Married persons were the average age of thirty. Mostly the single persons were unemployed.

Illiteracy among Negroes in Indiana was very high in 1850.⁶ There was a total of 2,170 Negroes, 1,024 males and 1,145 females who could not read or write. This can be accounted for, since it was not until 1881 that the state of Indiana provided schools for Negroes. This does not mean that Negroes did not attend school. Some might have gone to white schools or to some private schools under the

⁶ Seventh Census of the United States, 1850, Statistics, Table IX, 788-789.

auspices of churches or other charitable organizations. Others might have been taught by their employers and still others might have been taught by their parents. Those adults who could not read and write, were for the most part from slave states, where it was very rare to find a Negro who could read and write.

The Negroes in Indiana had a good school attendance record for the year 1850. A total of 927 persons, 474 males and 443 females attended school that year (1850). Since there were no state supported institutions for Negroes in 1850, we can assume that they attended some private institutions or some might have had schools for Negroes. Laws had not been passed prohibiting Negroes from attending white schools. A few Negro teachers have been noted in some counties. Vigo County had one teacher. Floyd County listed one teacher; Wayne County also had one teacher. It is quite possible that the ministers might have served as teachers aside from their other work.

Negro mortality was also high in the year 1850. The census report gives a total of 2,213 Negroes who died during the year 1850. These persons died of the several diseases which were common at the time.⁷

⁷ Seventh Census of the United States, 1850, Statistics, Tables VIII and IX, 786-789.

CHAPTER IV

FACTORS AIDING NEGRO MIGRATION

After a discussion of the sources of Negro migration into Indiana, a question might be asked: How did these Negroes get into the Indiana Territory? There were several ways by which the Negroes came into the territory; some came as free Negroes, some came as slaves, and some as fugitives. The free Negroes were divided into three categories; those that had been manumitted and were free to leave, the ones who came with their masters and were later freed, lastly there were those who came by "illegal methods."

The slaves were always very few in number, even though the very extensive and harsh slave laws would lead one to believe that the Indiana slave population was very large. These slaves as has been mentioned are of three types, French, British, and American. A few were held until 1840 and at no time did they exceed three hundred. The largest number of slaves held at any one time was 237 in the year 1810.¹

Some of these slaves were freed, as in other states, by will or were manumitted for some type of outstanding services. Those of the French and British were brought into the territory mostly from Africa. Those brought under the American administration were for the most part from the South. A few, however, came from the East and Middle West.²

The fugitive slaves constituted the greatest element in the Negro movement into the Indiana Territory. The number is not known since

¹ Ninth Census of the United States, 1870, Statistics of Population, Table II, 26-27.

² Woodson, A Century of Negro Migration, 31-32.

no records have been left to indicate how many went to other states or how many reached Indiana, how many reached Canada, or how many were caught and sent back to their owners.

There were two factors which aided the fugitive slave in moving. One was the peculiar geographical make up of the Appalachian Highlands extending into the South. These hills and mountains afforded a place of refuge for the fleeing slave during the day time since it was very easy to hide in this section. This area was inhabited by a class of citizens who were hostile to slavery and to the aristocratic institutions which slavery supported.³ These people coming later into the colonies had to go into the hills and mountains because the first people from Europe had taken up land near the sea. The first comers from Europe had developed an aristocratic society and had developed the forms of government to suit their own needs and did not consider the wishes of the mountain people. The frontiersmen hated slavery, hated the slave as much, but, hated the Eastern planter as much or more than they hated the slave.⁴

All of these mountaineers were not abolitionists. Some slavery existed among them. The attack on the institution, then, in these parts was not altogether opposition to an institution foreign to them.⁵ They knew what this system upheld and were anxious to see it prohibited or to get some consideration from the Eastern planter.

With conditions such as these existing in the mountains which extended into several of the slave states, it is not surprising that

³ Ibid., 32.

⁴ Carter G. Woodson, "Freedom and Slavery in Appalachian America," The Journal of Negro History (Washington, D.C., 1916-), I, 142-143.

⁵ Ibid., 147.

the slaves met little opposition while making their way through the Appalachian region. It can be said that the Underground Railroad with its great work would not have been so successful had it not been for the upland regions.

The other, the artificial aid, was the great Underground Railroad a system of highly developed and organized groups that mysteriously aided fugitive slaves to escape.⁶ The Underground Railroad had its origin in the Colonial period because of the passage of several laws against runaways and against persons for harboring slaves.⁷ These laws were sometimes passed before laws to regulate relations between masters and slaves were passed.

Two letters of George Washington dated 1786 give the first report known concerning runaway slaves.⁸ In the first letter written to Robert Morris, Washington states that he had learned of the Society of Quakers attempting to liberate slaves. Although Washington wanted them free, he felt that when they were happy with their masters and were tampered with and seduced to leave, it probably would result in more evil than good. In his letter of May 10, 1786, Washington said, "To set them free it might and ought to be affective by Legislative Authority."⁹ The Underground Railroad developed in a section of the

⁶ E. Delorus Preston, Jr., "Genesis of the Underground Railroad," The Journal of Negro History, XVIII (1933), 146.

⁷ William W. Hening (ed.), The Statutes at Large: Being a Collection of all the Laws of Virginia (13 vols., Richmond, Virginia, 1809-1823), III, 454-457; John F. Grimke (ed.), The Public Laws of the State of South Carolina, From its First Establishment as a British Province down to the Year 1790, Inclusive, . . . (Philadelphia, 1790), 164; J. H. Trumbull, The Public Records of the Colony of Connecticut, . . . (Hartford, Connecticut, 1850), 105.

⁸ John C. Fitzpatrick (ed.), The Writings of George Washington from the Original Manuscript Sources, 1745-1799 (39 vols., Washington, D.C., 1931-1944), XXVIII (1938), 407-408.

⁹ Ibid.

country already rid of slavery and situated between two regions, from one of which slaves continually escaped with the prospect of becoming indisputably free on crossing the borders of the other. Many persons living in the intervening territory were deeply opposed to slavery; and, although they were bound by law (Fugitive Slave Act) to discountenance slaves seeking freedom, they felt themselves to be more strongly bound by conscience to give them help.¹⁰

It is known where the name Underground Railroad came to apply to these trails. Hunters could trace slaves to Columbia, Pennsylvania, and the slaves would disappear. The hunters declared there must be an underground railroad here.¹¹ It is possible that this might have been the origin of this name.

The Underground Railroad began to take definite shape in the early part of the nineteenth century. Its organization, became more complete as antislavery agitation grew. It was like any business organization, the members were to receive, forward and conceal, and protect the fugitives.¹² Here Negroes began to disappear very fast, it was a common belief that it was as easy to find a needle in a haystack as a Negro among Quakers.¹³

The physical property of the Underground Railroad was a strategic line of farms running zigzag northward from the slave states to the Canadian border. Its personnel comprised hundreds of men and women, both white and black, who did not believe in slavery and were willing

¹⁰ Wilbur H. Siebert, The Underground Railroad from Slavery to Freedom (New York, 1898), 17.

¹¹ Ibid., 44.

¹² Preston, "Genesis of the Underground Railroad," The Journal of Negro History, XVIII, 144.

¹³ Siebert, The Underground Railroad from Slavery to Freedom, 50-51.

to say so with their lives and property.¹⁴

This desire for freedom was in the mind of nearly every enslaved Negro. Liberty was the subject of dreams and visions of slave preachers and sibyls; it was the object of their prayers.¹⁵

The states of Ohio, Indiana, and Illinois were the most favorably situated of all the Northern states to receive slaves. They were bordered by rivers and lakes; and their neighboring states were Missouri, Kentucky, Virginia, and Pennsylvania. These states were not pro-slavery at the time the Underground Railroad was at its height.

Indiana was never wholly in sympathy with the Underground Railroad, nor with its operators. Even some of those who opposed the slave system resented the methods used by some of the others engaged in the work, and looked upon them as no better than thieves.¹⁶ The opinions expressed in the studies made in a few of the counties in Indiana show that the majority of the people were only luke-warm in their attitude toward the movement. A few examples of this attitude are given in the following statements: William Thompson in an article entitled "Eleutherian Institute" states,

The first settlers in Jefferson county came largely from Kentucky and Virginia, and while not exactly pro-slavery in sentiment, were inclined to view with disapproval any agitation of the slavery question. However, there was a fair proportion of New England people among these early settlers, and such were generally anti-slavery in sentiment.¹⁷

In an article entitled "The Underground Railroad in Monroe County," Henry L. Smith states,

¹⁴ Henrietta Buckmaster, "The Underground Railroad," The North American Review, (248 vols., Boston, New York, 1815-1940), CXXLV (1938), 142.

¹⁵ Siebert, The Underground Railroad from Slavery to Freedom, 52-53.

¹⁶ Julia S. Conklin, "The Underground Railroad in Indiana," Indiana Magazine of History, VI (1910), 65.

¹⁷ William C. Thompson, "Eleutherian Institute," Indiana Magazine of History, XIX (1923), 109-110.

Generally speaking, the people of Monroe county were rather lukewarm in regard to escaping slaves. They weren't actively engaged one way or the other. The small group of people that was actively engaged in aiding fugitives came originally from South Carolina.¹⁸

In Indiana the sympathy of a large majority of the people was not with the operators of the Underground Railroad. In fact, the sentiment of a large portion of the settlers was strongly against them. Even those who disapproved of the slave system were many who opposed the methods used by those engaged in the work of the Underground Railroad, . . . they maintained, it was worse to steal a negro than to steal a horse.

This statement was taken from an article by Julia S. Conklin, entitled "The Underground Railroad in Indiana."¹⁹

There were several persons in Indiana who were interested in this work. They always aided these escaped slaves on their way to Canada or made provisions for them to remain in the West as many did. Among the hundreds who aided these fugitives were Mr. and Mrs. Levi Coffin. Mr. Coffin had left the most valuable contemporary source on the work and operations of the Underground Railroad in Indiana. Mr. Coffin does not claim to be the only person who was engaged in the work since he mentions several persons who were active at the time he was working with the slaves.

Levi Coffin came to Indiana in 1826, and soon after settling in Newport, he found that he was on the route of the Underground Railroad.²⁰ The following paragraphs are taken from Coffin's book explaining his work with the movement.

Soon after we located at Newport, I found that we were on a line of the U.G.R.R. Fugitives often passed through that place, and generally stopped among the colored people. There was in that neighborhood a number of families of free colored people, mostly from

¹⁸ Henry L. Smith, "The Underground Railroad in Monroe County," Indiana Magazine of History, XIII (1917), 288.

¹⁹ Conklin, "The Underground Railroad in Indiana," Indiana Magazine of History, VI, 64-65.

²⁰ Smith, "The Underground Railroad in Monroe County," Indiana Magazine of History, XIII, 288-289.

North Carolina. . . .

In the winter of 1826-27, fugitives began to come to our house, and as it became more widely known on different routes that the slaves fleeing from bondage would find a welcome and shelter at our house, . . . the number increased. Friends in the neighborhood, who had formerly stood aloof from the work, fearful of the penalty of the law, were encouraged to engage in it when they saw the fearless manner in which I acted, and the success that attended my efforts. They would contribute to clothe the fugitives, and would aid in forwarding them on their way, but were timid about sheltering them under their roof; so that part of the work devolved on us. . . .

Many of my pro-slavery customers left me for a time
New customers soon came in to fill the places of those who had left me. . . .

I soon became extensively known to the friends of the slaves, at different points on the Ohio River, where fugitives generally crossed. . . . Depots were established on the different lines of the Underground Railroad, south and north of Newport, and a perfect understanding was maintained between those who kept them. Three principal lines from the South converged at my house; one from Cincinnati, one from Madison, and one from Jeffersonville, Indiana. The roads were always in running order, the connections were good, the conductors active and zealous, and there was no lack of passengers. Seldom a week passed without our receiving passengers by this mysterious road. . . . We knew not what night or what hour of the night we would be roused from slumber by a gentle rap at the door. That was the signal announcing the arrival of a train of the Underground Railroad, for the locomotive did not whistle, . . . I have often been awakened by this signal, and sprang out of bed in the dark and opened the door. Outside in the cold or rain, there would be a two-horse wagon loaded with fugitives, perhaps the greater part of them women and children. . . . Frequently, wagon-loads of passengers from the different lines have met at our house, having no previous knowledge of each other. The companies varied in number, from two or three fugitives to seventeen. . . . This work was kept up during the time we lived at Newport, a period of more than twenty years. . . . the annual average was more than one hundred. . . .

One company of twenty-eight that crossed the Ohio River at Lawrenceburg, Indiana--twenty miles below Cincinnati--had for conductor a white man whom they had employed to assist them. . . .

I had letters from different stations, as they progressed, giving accounts of the arrival and departure of the train, . . . ²¹

Coffin mentions others who aided in the work of the Underground Railroad. Dr. Henry Way attended the sick fugitives, John Fairfield conducted a train, John Hatfield aided fugitives to Newport, Jonathan Cable a Presbyterian minister and his wife aided the slaves on their journey. Coffin also speaks of the many people who were of help that he did not know.

²¹ Reminiscences of Levi Coffin, 107-113, 304, 311.

There were others in Newport that gave aid to the runaway slaves. Among these were William F. Davis, Benjamin Thomas, Daniel Hough, Daniel Puckett, Dr. Herman Bennett, and Robert Green.²² In the other sections of Indiana people were working in the interest of the slaves. Louis and Judah Roberts of Highland County, Ohio, moved to Indiana in 1834, settled near Westfield and opened a station.²³ Milton White and John Frazee were conductors in Carthage, Indiana, and were said to have helped 150 Negroes on their way to freedom.²⁴

The free Negroes played their part in the activities of the Underground Railroad. The most famous of the free Negroes was Lewis Talbert who made many trips south to pilot his less fortunate brothers to freedom.²⁵ In Cabin Creek, Randolph County, Indiana, which was principally settled by colored people, the free Negroes contributed to the best of their means.²⁶ The following Negroes aided slaves in Newport; William Bush, William Dawson, Douglas White, and James Benson. In Madison, Chapman Harris gave aid to the slaves and Jim Hackney of Hanover assisted the fleeing Negroes.²⁷

Several organizations, which were organized for the expressed purpose of aiding slaves, made a great contribution to the escaped slave's cause. In 1841 the Newport Female Anti-Slavery Society was

²² O. N. Huff, "Unnamed Anti-Slavery Heroes of Old Newport," Indiana Magazine of History, III (1907), 137-139.

²³ Conklin, "The Underground Railroad in Indiana," Indiana Magazine of History, VI, 68.

²⁴ Siebert, The Underground Railroad from Slavery to Freedom, 88-89.

²⁵ W. D. Waldrip, "A Station of the Underground Railroad," Indiana Magazine of History, VII, 76.

²⁶ Ibid.

²⁷ Huff, "Unnamed Anti-Slavery Heroes of Old Newport," Indiana Magazine of History, III, 135; Thompson, "Eleutherian Institute," Indiana Magazine of History, XIX, 110.

organized.

The object of this association is to promote the diffusion of correct information among our fellow citizens in relation to slavery, showing its repugnance to the principles of justice and religion, and to the happiness and prosperity of the American people.²⁸

This organization furnished garments for the fugitives who would sometimes be as many as twelve at one time.²⁹ There was a New Garden Young Men's Anti-Slavery Society in Wayne County. The young men would do scout duty for some scheduled train or they would hire speakers to talk about the evils of slavery.³⁰ There was a sewing society formed in Newport, its job was to prepare clothes for the escaping slaves.³¹

After the adoption of the Fugitive Slave Act of 1850, the Anti-Slavery League was organized so that there might be some method of helping the slaves escape, instead of the haphazard way in which it was being done by the unorganized few who were helping the runaways.³² There were superintendents of each of the four states, Illinois, Indiana, Ohio, and Pennsylvania, who had the management of the men working in the state to which he was assigned. The superintendent of Indiana was J. T. Hanover, who was known as John Hansen.³³

John Hansen worked and traded over the first three or four tiers of counties in southern Indiana and pretended to be representing an

²⁸ Hency C. Fox (ed.), Memoirs of Wayne County and the City of Richmond, Indiana (2 vols., Madison, Wisconsin, 1912), I, 159.

²⁹ Ibid., 160.

³⁰ Waldrip, "A Station of the Underground Railroad," Indiana Magazine of History, VII, 76.

³¹ Ibid., 76.

³² William Cockrum, History of the Underground Railroad, As It Was Conducted by the Anti-Slavery League (Oakland City, Indiana, 1915), 13.

³³ Ibid., 14.

Eastern real estate firm. The men who worked with him used codes that had numbers. The routes of these men were called by the names of timber, such as linden, oak, maple, hickory, walnut, dogwood and all sorts of timber that was native of the country in which they worked.³⁴

This organization was in direct opposition to the laws of the United States and its members understood the severe penalty which would be meted out to them if they were caught violating this law. Because the slave owner said there must be an underground railroad under the Ohio River.

There were several routes in Indiana that were used to transfer the fugitives from the river into Indiana and to the other states. These routes went into several counties in making their way to Canada. Several Negroes crossed the river at Indiana Creek in Harrison County, then went to Corydon and north to Washington County; through the corners of Jackson and Jennings counties, through Decatur, Rush and Fayette counties; and into Wayne County where they met the Quakers who were their friends.³⁵

Another important route was through Hendricks County. Most slaves crossed the river at New Albany, then to Terre Haute, Bloomingdale, and Lafayette; or they could take the route by Brownstown, Bloomington, Westfield, and Logansport.³⁶

³⁴ Ibid., 15-16.

³⁵ Vida W. Nesom, "Phases of Southeastern Indiana History," Indiana Magazine of History, XX (1924), 54-57.

³⁶ Roscoe R. Leak, "The Underground Railroad in Hendricks County," Indiana Magazine of History, XXXVI (1940), 17-18.

At Diamond Island in Posey County, slaves were aided in crossing the Ohio River and took either of two routes. They could cross the Wabash River at Webb's Ferry near the Southern line of western Gibson County, Indiana, then along the Wabash into Illinois, on to Lake Michigan by way of Lake, Porter, or LaPorte counties in northern Indiana. The other route was from Diamond Island to Vanderburg County, then until they reached Lake Michigan.

A third route used by the slaves was a short distance above the Little Pigeon River, then to Boonville and Lynnville in Warrick County, then to Oakland City, Indiana, to Petersburg, Indiana, then to Daviess and Greene counties and on to Lake Michigan.³⁷

A fourth place for crossing the river was at a point midway between Owensboro, Kentucky, and Rockport, Indiana. Several Negroes crossed directly in front of Louisville. In north central Indiana there was a station at New London in Howard County.³⁸

Routes and stations of the Underground Railroad were not as numerous in northern Indiana as they were in the southern section. They were as busy and efficient as those in the South. Routes in the northern section ran through Elkhart and into South Bend.³⁹ The station masters in Elkhart were O. T. Chamberlin and Dr. David Henry.

Another route through northern Indiana was Westfield in LaPorte County. The stations were probably organized through Illinois. There was a route which passed through Goshen and Bristol, these were the last two stations in Indiana, the Michigan line was very near.

³⁷ Cockrum, History of the Underground Railroad, 13-14.

³⁸ Ibid., 16.

³⁹ Helen H. Windle, The Underground Railroad in Northern Indiana, (South Bend, Indiana, 1939), 6.

In studies made of the Underground Railroad no mention is made of the number of Negroes who remained in Indiana after crossing the Ohio River. We have no conclusive evidence of how many stopped in Indiana, but from the census report of the years 1800-1850 there was a steady rise in the free Negro population. These years also represent the period when the greatest work of the Underground Railroad was accomplished. This growth of the free Negro population was due to increased emigration, since, the number of slaves in Indiana was not great enough to amount to the number of free Negroes upon being freed. Several of these Negroes remained in Indiana, the number is not known.

One of the greatest factors in aiding Negro emigration into Indiana was Manumission. All states that held slaves at one time or another passed these laws, stating, the conditions upon which slaves could legally become free. These laws were passed in the colonial times. With the passage of these laws and with several Negroes being free, there were thousands of Negroes who were free to emigrate at will. All of these freed Negroes did not leave the South, since some were not required to leave under the provisions of the manumission laws. It is known that several did leave and came into Indiana.

There were several of the states which required the liberated slaves to leave by a given time. In 1715 a law was passed in North Carolina which stated, that no man would be hindered from freeing his slaves as a reward for honest and faithful service provided, that such Negroes depart from the government six months after his freedom.⁴⁰ In 1741 another law was passed regulating free Negroes, they were to depart

⁴⁰ Walter Clark (ed.), The State Records of North Carolina (16 vols., Goldsboro, North Carolina, 1895-1907), XXIII (1904), 65. The numbering of the volumes is continuous and includes the Colonial Records of North Carolina which consisted of volumes one to ten.

the government after manumission.⁴¹ In 1793, a law was passed whereby liberated Negroes were still to leave the province six months after manumission.⁴² The number of free Negroes in North Carolina grew from 7,043 in 1800 to 30,463 in 1860. There was this large group of free Negroes who were free to emigrate to the West and several hundred came from North Carolina.⁴³

In a revised constitution of Kentucky in 1849, slaves were to be emancipated with a provision which included that they were to be removed and must not return. Free Negroes could also be removed and those who refused would be penalized.⁴⁴ The Free Negro population in Kentucky in 1800 was 739; it was 10,648 in 1860.⁴⁵ Here, too, were a large group of Negroes who were free to emigrate.

Maryland had a liberal manumission law: slaves were to be freed by will or otherwise, but were not required to leave the state, however, they were not to be burdensome through the neighborhood or to others, and were free to go any place.⁴⁶

The slaves in South Carolina could be freed by petitions. Special entry was to be made stating that the slave was free. They were not required to leave at that time.⁴⁷

⁴¹ Ibid., 107.

⁴² Ibid., 203-204.

⁴³ Ninth Census of the United States, 1870, Statistics of Population, Table I, 5.

⁴⁴ Report of the Debates and Proceedings of the Convention for the Revision of the Constitution of the State of Kentucky, 1849 (Frankfort, Kentucky, 1849), 1100.

⁴⁵ Eighth Census of the United States, 1860, Statistics of Population, Table II, 181.

⁴⁶ J. Hall Pleasant (ed.), Archives of Maryland: Proceedings and Acts of the General Assembly of Maryland, 1752-1764 (60 vols., Baltimore, Maryland, 1883), L, 76-78.

⁴⁷ Grimke (ed.), The Public Laws of South Carolina, 164.

In 1691, an act was passed in Virginia stating that slaves could not be free unless they would be sent out of the country for six months.⁴⁸ The owner was to give money for the transportation of the free Negro to the church warden who was to see that the free Negro left the state. In 1783 slaves were to be manumitted by will and testament and were to be sound in mind and body and not over forty-five years of age.⁴⁹ There were 20,124 free Negroes in Virginia in 1800, and 58,042 in 1860.⁵⁰ Here was another large group of Negroes who were free to move.

To manumit slaves in New York, the owner was to give some type of security, because free Negroes sometimes instigated insurrections of slaves.⁵¹ There were several instances of manumissions in the state of New York. These slaves were usually free for good service. There were 10,417 Negroes in 1800, and all were free after 1850, with only four slaves in 1840.⁵²

The indentured servants of Illinois, upon serving their terms, were free to remove or remain in the territory upon showing a certificate and registering with the clerk of court. This act was passed in 1807.⁵³

⁴⁸ Hening(ed.), The Statutes at Large: Being a Collection of all the Laws of Virginia, III, 39.

⁴⁹ Ibid., IX, 39.

⁵⁰ Ninth Census of the United States, 1870, Statistics of Population, Table I, 5.

⁵¹ E. B. O. Callaghan (ed.), Documents Relative to the Colonial History of the State of New York . . . (15 vols., Albany, New York, 1855), V, 461.

⁵² Ninth Census of the United States, 1870, Statistics of Population, Table I, 5.

⁵³ Francis Philbrick (ed.), Pope's Digest, 1815 (Illinois Historical Collections, Springfield, Illinois, XXX, 1940), 650.

In Georgia, the legislature did not have power to emancipate slaves or pass laws to emancipate slaves without the consent of the owners. This law was a part of the constitution of 1798.⁵⁴

The General Assembly did not have power to emancipate without the consent of the owner in Mississippi. They were to pass laws to prevent slaves from becoming a public charge.⁵⁵ The constitution of 1882, stated that slaves could be freed by the General Assembly for some meritorious services to the state.⁵⁶ No mention is made of requiring emancipated slaves to leave the state of Mississippi until 1831, when a law was passed requiring all freed Negroes to leave the state.⁵⁷

In Tennessee there was a practice of emancipating slaves by will. After the free Negroes were regarded as dangerous to its welfare, Negroes were not to come into the state and those emancipated were to be removed immediately from the state for meritorious services to the state.⁵⁸

These are not the only states that passed emancipation acts; however, they will give a fair example of all states as to how many were emancipated (see chart 5) and as to the conditions of the emancipation of their slaves.

The greatest period of emancipation was in the period of the

⁵⁴ Thorpe (ed.), The Federal and State Constitutions, Colonial Charters, and Other Organic Laws . . ., II, 801.

⁵⁵ Ibid., IV, 2045.

⁵⁶ Ibid., IV, 2062.

⁵⁷ Charles S. Sydnor, "Free Negroes in Mississippi," American Historical Review (New York, 1896-), XXXII (1926-1927), 773-774.

⁵⁸ Charles C. Trabue, "The Voluntary Emancipation of Slaves in Tennessee as Reflected in the State's Legislative and Judicial Decisions," Tennessee Historical Magazine (Nashville, Tennessee, 1915-) IV (1918), 51-52.

American Revolution and until about 1830, when the antislavery society imitated some slave owners who were not willing to free their slaves. Manumission was great during the American Revolution because of the part some Negroes played in the Revolution. The years from 1784-1806, was the greatest time for manumission--this was an era when the rights of man were discussed openly and freely. (Several deeds of freedom or emancipation spoke of freedom as the natural right of all men.)⁵⁹

Manumitted Slaves⁶⁰

Seventh Census, 1850

State	Free Negroes	Slaves	Manumitted Negroes
Alabama	2,265	342,844	16
Arkansas	144	47,100	1
Delaware	18,073	2,290	277
Florida	932	39,310	22
Georgia	2,931	381,682	19
Kentucky	10,011	210,981	152
Louisiana	17,462	244,809	159
Maryland	74,723	90,368	493
Mississippi	930	309,878	6
Missouri	2,618	87,422	50
North Carolina	27,463	288,548	2
South Carolina	8,960	384,984	2
Tennessee	6,422	239,459	45
Texas	394	58,161	5
Virginia	54,333	472,528	218
District of Columbia	10,059	- - -	- -

⁶⁰ Eighth Census of the United States, 1860, Vital Statistics, 337; Ninth Census of the United States, 1870, Statistics of Population, Table 1, 6.

⁵⁹ Luther P. Jackson, "Manumission in Certain Virginia Cities," The Journal of Negro History, XV (1930), 281-282.

Eighth Census 1860

State	Free Negroes	Slaves	Manumitted Negroes
Alabama	2,690	435,080	101
Arkansas	608	111,115	41
Delaware	19,829	1,798	12
Florida	932	61,745	17
Georgia	3,500	462,198	160
Kentucky	10,684	225,483	176
Louisiana	18,647	331,726	517
Maryland	83,942	87,189	1,017
Mississippi	773	436,631	182
Missouri	3,572	114,931	89
North Carolina	30,463	331,059	258
South Carolina	9,914	402,406	12
Tennessee	7,300	275,719	174
Texas	355	189,566	31
Virginia	58,042	490,865	277
District of Columbia	11,131	3,185	8

The Quakers played their part in Negro migration, legally as well as illegally as in the Underground Railroad. The Quakers are known to have helped the Negro on both sides of the river. They were influential in the West and South. In their legal methods they were organized into corporative bodies in the slaveholding districts, so as to aid Negroes, who were not wanted by their owners, to leave these slaveholding states.

In North Carolina in 1808, certain Quakers were to act as agents to receive assignments of slaves from masters who wanted to get rid of them.⁶¹ Under this system a great number of slaves were received by the agents. By 1814, more than three hundred and fifty Negroes had been transferred to the agents. Most of the Negroes were sent to free states. In 1830, 562 had gone to free governments.⁶² In 1834, 300 were sent to Indiana from eastern North Carolina.⁶³

⁶¹ Stephen B. Weeks, Southern Quakers and Slavery, Johns Hopkins University Studies in Historical and Political Science (Baltimore, Maryland, 1883-), XV (1896), 224-225.

⁶² Ibid., 226.

⁶³ Ibid., 227.

There was a great need for money in sending these slaves to free states. The Quakers helped in this way also. They (the corporative bodies) received money from friends in New England, New York, and Indiana.⁶⁴

In 1822, a committee was appointed to examine laws of free states and investigate conditions on admitting free people of color. The following year they reported that the laws of Ohio, Illinois, and Indiana did not prohibit Negroes from entering.⁶⁵

There were five hundred Negroes under care in 1824, and seven hundred and twenty had been received in all. In 1826, some six hundred were under care; of these, three hundred and sixteen were willing to go to Liberia; one hundred and one to the West; fifteen to Philadelphia; ninety-nine wished to stay at home, and seventy-eight were involved in lawsuits.⁶⁶ Philanthropic persons gave the Negro a chance to grow with the community when they exhibited a capacity which justified philanthropic efforts in their behalf.⁶⁷

So far discussion has been given of the work of the people of Newport in Wayne County, where Levi Coffin lived and worked. The work done for the legally freed Negro is similar to the work done by the Quakers for the fugitive slaves.

Slavery was talked about in Newport and other sections of the

⁶⁴ P. M. Sherrill, "The Quakers and the North Carolina Manumission Society," Historical Papers Published by the Trinity College Historical Society (Durham, North Carolina, 1897-), Series X, (1914), 35.

⁶⁵ Weeks, "Southern Quakers and Slavery," Johns Hopkins University Studies, XV, 227.

⁶⁶ Sherrill, "The Quakers and the North Carolina Manumission Society," Historical Papers Published by the Trinity College Historical Society, Series X, 38.

⁶⁷ Ibid., 40.

state of Indiana. The friends held different views concerning slavery. Some friends wanted colonization, or gradual abolition, and many joined the popular current of opposition to abolitionism which at that time was unpopular.⁶⁸

An antislavery library was organized in Newport by those friends who were in favor of emancipating the slaves. This library was to create interest in the antislavery movement and to let the people know the conditions of slaves. "We found ourselves opposed by the cultural and ignorant."⁶⁹ "My house was generally the home of lectures and speakers (antislavery) who were traveling through the state pleading the cause of the slave."⁷⁰ In 1843, there was established a yearly meeting of antislavery Friends--these persons separated from the yearly meeting of Friends because they could not agree on the slave issue. This is the harsh side of the work of the Friends in Indiana. They at the same time, were doing good work among the slaves and free Negroes that were coming into the state.

In 1821, Levi and Vestal Coffin established the first Sabbath School for colored people in the colored section of Newport. The slaves were taught to read upon permission of their owners. However, after a short period the owners said these lessons made the slaves discontented and uneasy, and created a desire for the privileges that others had.⁷¹ The Sabbath School was given up.

The final status of slavery in Indiana was determined after a long contest in which the Quakers played a part after they entered the

⁶⁸ Woodson, A Century of Negro Migration, 91.

⁶⁹ Reminiscences of Levi Coffin, 223.

⁷⁰ Ibid., 227.

⁷¹ Ibid., 71.

territory.⁷²

The Quakers also aided the slaves in an indirect way, this method was in an organization known as the free produce movement.⁷³ This movement was essentially an organized effort to boycott goods produced by slave labor. The organization was sponsored chiefly by the Society of Friends. Although supported by the Quakers, the free produce cause was never officially sponsored, and scarcely sanctioned by the Society of Friends as a religious organization.⁷⁴ These free labor organizations were active in several states.

The first free labor organization was founded in Wilmington, Delaware, in June, 1826. It was to work for the "extinction of slavery and to consider the propriety of consuming the products of slave labor."⁷⁵ In September, 1826, a Free Produce Society was organized in Pennsylvania. Its objective was to stop using slave labor products with the thought that it would eventually cause the abolition of slavery. There were several of these organizations in Ohio. All were mostly mild or peaceful in their pursuits.

In the West particularly, in the state of Indiana there was less peace and more action in the free produce movement. The agitation was in the Indiana Yearly Meeting, where there were both radicals and conservatives in regard to the slavery question. In October, 1842, the Yearly Meeting split. In February, 1843, the radical faction organized itself as the Indiana Yearly Meeting of Anti-Slavery Friends. Its

⁷² Harlow Lindley, "The Quakers in the Old Northwest," Proceedings of the Mississippi Valley Historical Association For The Year 1911-1912 (Cedar Rapids, Iowa, 1912), 68-69.

⁷³ Ruth K. Muermberger, "The Free Produce Movement," Historical Papers of the Trinity College Historical Society, Series XXV (1942), vii.

⁷⁴ Ibid., 13.

⁷⁵ Ibid., 14.

center was in Newport, Indiana. The Free Labor Advocate was the press organ of the seceders, they never received recognition by any other Yearly Meeting.⁷⁶

The Yearly Meeting of Anti-Slavery Friends gave much attention to the free labor principle.

In Wayne County, Indiana, the free produce movement got underway very early. The large Quaker population was responsible for the activity in that area. The Indiana Yearly Meeting in 1840 investigated means of obtaining free labor goods. The first District Convention of Indiana Abolitionist, held near Economy, Wayne County, Indiana, in 1840, passed a resolution endorsing free labor and recommending that merchants supply them with goods of free labor, as far as practicable. On January 22, 1842, radicals in the Yearly Meeting assembled in the Methodist Church, organized the Wayne County Free Produce Association. They undertook to boycott slave products, to induce merchants to provide free labor goods.⁷⁷

On a broader basis, the Western Free Produce Association was organized at a Friends' Meetinghouse in Union County, Indiana, on February 14, 1842. This organization was to establish a wholesale free-labor store for the retail stores.

In 1843 the Salem Free Produce Association was organized, they did not restrict the membership to Quakers.

Enthusiasm was on the wane by this time, partly because of the difficulty in getting free labor goods, the lack of funds, and the want of experienced leadership.

⁷⁶ Ibid., 33-34.

⁷⁷ Ibid., 48-49.

The Salem Free Produce Association met in 1846, and reorganized the Western Free Produce Association. A wholesale house was organized in Cincinnati and in 1847 Levi Coffin was selected to operate this store. This organization was not successful due to the lack of finances, and in 1857, Coffin sold out the business and returned to Newport, Indiana.⁷⁸ There were eight free produce stores in Indiana. Levi Coffin and Joel Parker opened a store in Newport, Indiana, in 1841, the last date known of its existence was in 1844. Jonathan Macy operated a store in Grant County, Indiana. This store was open in 1842, no date was given for the last date of existence. Seth Hinshaw opened a store in 1842, the location was in Greensboro, Indiana. Levi Coffin opened a store in Newport, Indiana, in 1844, its last known date of operation was in 1847. In 1846 Joel Parker opened a store in Newport, Indiana, a date was not given as to when the store closed. In 1847 Parker and Stanton operated a store in Newport, Indiana. Small, Coleman and Company, had a store in Jonesboro, Indiana, in 1848. A store was operated by S. Small and E. Brannin in Greensboro, Indiana, in 1856. As is shown in the dates of opening and closing, it is known that the stores did not remain in operation many years.⁷⁹

The free produce societies never had strong financial support. They never were able to sell goods as cheaply as those produced by slave labor. Quakers were not able to develop it into a large movement, and the idea did not attract outsiders.⁸⁰ These people were in a minority and because of this the Free Produce Movement was not a very successful organization.

⁷⁸ Ibid., 50-52.

⁷⁹ Ibid., 119.

⁸⁰ Ibid., 59.

The work of the Quakers in the free produce movement was not as successful as their work in other antislavery organizations. After nearly thirty-five years of operation, there were no noticeable accomplishments of this organization. It is not known how many slaves, if any, were freed because people would not buy goods produced by slave labor. The people, mostly Quakers, were in sympathy with the free produce principle, but did not especially appreciate the goods produced by free labor. Lucretia Mott wrote

. . . Unfortunately, free sugar was not always as free from other taints as from that of slavery; and free calicoes could seldom be called handsome, even by the most enthusiastic; free umbrellas were hideous to look upon, and free candies an abomination."⁸¹

The free labor goods were also accused of being of inferior quality, defective wearing, ugly patterns and colors that faded. Most of the goods were also of higher prices, especially in the West where the people, as a whole had less money to spend. The best market, however, was in the West.⁸²

Among the important Indianians who were engaged in the free labor movement were: Levi Coffin, who operated two stores in Indiana and one in Ohio. Henry H. Way and Benjamin Stanton, editors of the Free Labor Advocate, Jonathan Untbank, Jacob Grave, C. M. Starr, who opened a spinning mill in Richmond, Indiana, only free labor cotton was to be used, and William Beard leader of the cause.

⁸¹ Anna Davis Hallowell (ed.), James and Lucretia Mott's Life and Letters (Boston, 1884), 88.

⁸² Nuernberger, "The Free Produce Movement," Historical Papers of the Trinity College Historical Society, XXV, 98-99.

CHAPTER V

INDIANA'S ATTITUDE TOWARD THE NEGRO EMIGRANT

The attitude of a state or its people toward any person or group is often expressed in its laws regarding the person or group. Indiana began early in the territorial stage to enact laws concerning Negroes. The laws before 1816 have been discussed.¹ Indiana showed a favorable attitude toward the Negro in the Constitution of 1816, and an adverse attitude toward the Negro in the Constitution of 1851. The Fugitive Slave Act of 1850 had its effect on the people of the state and they again had a favorable attitude toward the Negroes. In her general laws Indiana had a variable attitude toward the Negro.

The Constitution of 1816 prohibited slavery except in the punishment of crimes. This part of the constitution brought slavery to an end, but not immediately for persons who were already enslaved remained slaves. The constitution merely prohibited the further introduction of slaves.

On February 10, 1831, an act was passed concerning free Negroes and Mulattoes, servants and slaves. According to this act, no black or mulatto person coming or brought into the state could remain unless they could give a bond. This bond was to be approved by the overseer of the poor. If the Negroes did not give a bond they would be liable to pay a sum of five hundred dollars. Such persons were not to become a charge to any county in the state. The bond was to be filed in the Clerk's office in the county where it was taken. If the Negro should violate any of the penal laws of the state the bond would be forfeited.

¹ See ante pages 12 to 23.

If a Negro or Mulatto failed to abide by this act they were to be summoned before a Justice of the Peace and give reasons why they did not comply with the provisions. Those who failed to give bonds were to be hired out by the overseer of the poor for the best price obtainable. The proceeds were to go to the county treasurer to be used for the benefit of the Negro or Mulatto. The overseer of the poor could remove the person from the state instead of hiring him out to work. Sheriff and jailers were not to commit any Negro or Mulatto to jail unless authorized by law. If they did, they would be subjected to a fine of not less than one hundred dollars. Persons hiring Negroes who had not complied with the provisions of the act were to be fined not less than five and not more than one hundred dollars. Any person could pass through the state with their slaves provided they did not make any unnecessary delays.²

Some very heated controversies arose from the act of 1831 concerning Negroes and mulattoes. Several cases were tried in the Supreme Court of Indiana, three of which must be noticed.

The first case concerned George D. Baptiste a mulatto, who had come into Indiana since the first of September, 1831, and had not given a bond. The overseer of the poor for Madison Township, Jefferson County, filed a complaint in 1839 with the Justice of the Peace concerning Baptiste's failure to give a bond. The Justice of the Peace decided that Baptiste should give a bond or be removed to the state where he last legally settled. Baptiste appealed to the Circuit Court, which court ordered that Baptiste move or pay a bond in a said number of days. Baptiste appealed to the Supreme Court of

² The Revised Laws of Indiana (1831), LXVI.

Indiana. The Supreme Court held that the Justice of the Peace was only to say that a person was to give a bond. If the defendant did not give a bond the overseer of the poor was either to send him out of the state or hire him out for as much as could be obtained.³

In the trial of Edward Cooper a free man of color from Vigo County, it was stated that Cooper came into the state after September, 1831. Cooper was brought before the Justice of the Peace because he had not given a bond. He was hired out to a Charles T. Noble for six months as was required by law. Cooper said the law was illegal and appealed to the Supreme Court of Indiana. The law was held constitutional and Cooper was required to serve his term. This case was tried in November, 1839.⁴

In 1847 a Mr. Hickland was tried because he had hired a Negro who had failed to comply with the rules of the act of 1831. It was stated that Hickland had knowingly hired this Negro. The court stated that the act of 1831 was not unconstitutional and Hickland was to abide by the provisions of the act.⁵

The cases given are not the only cases that were tried in the State of Indiana. There must have been more than three or four Negroes who violated this act. They are the only cases that were appealed to the Supreme Court of the state, and that are available for study.

An act relative to Crime and Punishment was approved in February, 1831. The thirty-seventh section of the act was concerned with Negroes, and, obviously referred to the activities of persons connected with the Underground Railroad. According to this law, any person who, without

³ Baptiste v. The State, on the Relation of Hatcher and Another, Overseer of the Poor, &c., 5 Blackford (1840), 306-310.

⁴ The State v. Cooper, 5 Blackford (1839), 279-280.

⁵ Hickland v. The State, 8 Blackford (1847), 401.

the proper authority, would give to a fugitive a certificate or other testimony of emancipation, or who would harbor or employ any fugitive or who would prevent the lawfully recovering of any fugitive, was to be fined in the sum not to exceed five hundred dollars.⁶

Two cases were appealed to the Supreme Court concerning the legality or illegality of this law. In 1852 Luther A. Donnell, was charged on two accounts; one charging him with inducing the escape of, and the other with secreting, "a certain woman of color, called Carolina, who was a slave of George Ray of the state of Kentucky." The defendant was convicted in the Decatur Circuit Court of Indiana. Donnell appealed to the Supreme Court of Indiana. The court held that this law was unconstitutional and void, since the law was not to be used for the wrongs perpetuated upon their own citizens. Donnell was freed.⁷ The other case concerned a Mr. Bowles who unlawfully brought into Orange County, Indiana, a Negro woman, whose name was Polin, and encouraged the woman to remain in the state. The case was appealed to the Supreme Court of Indiana. The court held that the Constitution does not make it a penal offense for a person to bring a Negro into the state. A penalty is inflicted on the Negro for coming into the state, also upon the person for employing such a Negro and encouraging the Negro to remain in the state. The court stated that it could not understand the encouragements of the woman as there might be a multiplicity of ways to encourage persons, and specific acts of encouragement should be set forth, so the defendant might know what charges he is bound to answer.⁸

⁶ The Revised Laws of Indiana (1831), XXVI.

⁷ Donnell v. The State, 3 Indiana (1852), 479.

⁸ Bowles v. The State, 13 Indiana (1859), 369.

In the act for the "Relief of the Poor," no references are given to races. It can be assumed that Negroes were included in the act since it was mentioned in the act concerning Negroes and slaves. This act was approved February 17, 1838. In the law there was provided an "Overseer of the Poor," whose duties were to see that the poor were given work and those that could not work were taken care of, to care for the complaints of the poor, to send the children of the poor out as apprentices, and to send others out as indentures. He was to keep records and was to give the money and records to the clerk of court at the end of the term. Other provisions required that children who were not bound out should be educated. All were to have the benefit of the law and could be moved from one county to another in the state to work. It was also stipulated that at one time all paupers were to be placed in the "Poor Asylum" which was to be provided for by an annual state tax.⁹

All of the provisions of this act were in force in relation to Negroes until 1850 when some revisions were made in the poor act. The following statement is given in the preamble of the new law:

WHEREAS, It sometimes happens that it is necessary for overseers of the poor to provide for poor colored children, and because of the requisition of the law, 'that every indenture of apprenticeship (made by the overseers of the poor) shall contain an agreement on the part of the master or mistress, that they shall cause the apprentice to be taught to read and write, and to be instructed in the general rules of arithmetic at least to the double rule of three, inclusive,' it is found to be impossible to bind, owing to the fact that they cannot be sent to common school with white children; Therefore,
Section 1. Be it enacted by the General Assembly of the State of Indiana,
That the requirements . . . be wholly optional and discretionary with
overseers of the poor, so far as the same may apply to colored children.¹⁰

⁹ The Revised Statutes of The State of Indiana. (1838), LXXIX.

¹⁰ General Laws of the State of Indiana. (1850) 34 Sess., Ch. CLXXIV

The provision of this act explain themselves. It is interesting to note that Indiana had not made any provisions for the schooling of free Negroes.

An act concerning Domestic Relations was passed in 1843, this act included a provision which stated that "No white person shall intermarry with a Negro or Mulatto."¹¹ An act relative to Crime and Punishment was passed in 1843. Section 44 states:that:

No negro man, or person having one eighth part or more of negro blood, shall be permitted to marry any white woman of this state; nor shall any white man be permitted to marry any negro woman, or any woman having one eighth part or more negro blood; and each and every person who shall knowingly marry in violation of the provisions of this section, shall, upon conviction thereof, be imprisoned at hard labor in the state prison for not less than one year or more than ten years, and be fined in any sum not less than one thousand dollars nor more than five thousand dollars.¹²

In section 112 of the same act it is declared to be unlawful to knowingly aid or assist in any marriage between white or Negro persons. If found guilty of this the person was to be fined not less than one hundred dollars nor more than one thousand dollars.

An act of "Witness Disposition, and Evidence," was passed in 1843. Negroes were not to be witnesses, except in pleas of the state against Negroes, Mulattoes, and Indians, and in Civil cases where Negroes, Mulattoes, and Indians were the parties. In this law any person with one-fourth Negro blood or more was to be considered a Negro and as incompetent as a witness.¹³

In 1850, the General Assembly of Indiana passed and sent to Congress a joint resolution on the subject of admitting slaves in the

¹¹ The Revised Statutes of The State of Indiana (1843), LIII.

¹² Ibid.

¹³ Ibid.

new territories. The request was sent to their senators and representatives in Congress telling them to vote "yes" for a provision "forever excluding slavery from the territory recently acquired from Mexico."¹⁴ Another joint resolution was sent to the senators and representatives in Congress asking them to vote for "a changed national policy on the subject of the African Slave Trade, and that they require a settlement of the coast of Africa with Colored men of the United States."¹⁵

The citizens of Indiana showed a desire to stop the further introduction of slaves into the United States, and were interested in getting the Negro a colony in Africa. They did not want slavery nor the Negro and thought this would be a better way to solve the Negro problem.

In 1850, the second constitutional convention was held in the state, the convention met to propose and adopt a new constitution for Indiana. The entire constitution was antislavery and anti-Negro. There was a provision to prohibit slavery and a provision to prohibit Negroes from coming into the state. The constitution went into effect in 1851. Several references were given to Negroes.

Negroes and Mulattoes were not to have the right of suffrage. Negroes were not to serve in the state militia. After the adoption of the constitution Negroes were not to come into or settle in the state. Contracts made with Negroes coming into the state after the adoption of the constitution would be void. Any person who would employ such a Negro was to be fined in a sum not less than ten nor more than five

¹⁴ General Laws of the State of Indiana (1850), 34 Sess. Ch. XXVI.

¹⁵ Ibid.

hundred dollars. Negroes were not to be encouraged to remain in the state. Fines collected in violation of this law, were to be appropriated for the colonization of Negroes in the state at the adoption of the constitution, who were willing to emigrate. The General Assembly was to pass laws to carry out the provisions of these articles.¹⁶

On June 18, 1852, the General Assembly passed and approved an act to enforce the thirteenth Article (concerning Negroes) of the constitution.¹⁷ In the first section it was declared to be unlawful for a Negro to enter the state. Clerks of the Circuit Courts were to put notices in the newspapers with the greatest circulation in each county, if there were not newspapers, hand-bills were to be posted in three of the most public places, stating that all Negroes who had lived in the state prior to November, 1851, were entitled to remain and were to register with him. The clerks were to have a book entitled "The Register of Negroes and Mulattoes." He was to record the name, age, description, place of birth and residence of each witness to prove the right of the Negroes to remain in the state. The Clerk was also to have the power to subpoena witnesses whom the Negro designated. When the right to remain in the state was proven, the clerk was to give each a certificate under the seal of the court, these were to be issued without charge. All contracts made with Negroes who came into the state after November 1, 1851, were to be void. Persons who employed a Negro who had come into the state after October 31, 1851, or who afterwards came into the state, was to be fined not less than ten dollars nor more than five hundred dollars. Any Negro who violates this act

¹⁶ The Revised Statutes of the State of Indiana (1852), pages 39-72, see p. 67.

¹⁷ Ibid., Ch. LXXIV.

was to be fined not less than ten nor more than five hundred dollars.

In 1859 a case was appealed to the Supreme Court concerning the thirteenth article of the constitution and its relation to Negroes who marry out of state Negroes. The Court decided that

A Negro man residing in this state, by marrying a Negro woman who had come into the state after the adoption of the Constitution, and living with her, is liable to a fine by virtue of the 13th article of the Constitution and the act of 1852 to enforce its provisions; and the marriage itself is void.¹⁸

This case was brought against Arthur Barkshire a man of color for bringing a Negro woman into the state in 1854, and harboring her, in violation of the constitution and laws of Indiana. Barkshire had lived in Rising Sun, Indiana, for ten years and had married this colored woman from Ohio and brought her into Indiana. The court said the policy of the state was involved and this policy was to exclude Negroes. The question of man and wife was not to be considered. Barkshire was to be regarded as any other person harboring or encouraging a Negro to remain in the state. This was one of the few cases that were appealed to the Supreme Court in Indiana. The Supreme Court proved that the law was legal and could be used effectively in the state to enforce its policies.

The citizens of Indiana were still anxious to get the Negro out of Indiana, they were interested to the extent of passing an act for "the colonization of Negroes and Mulattoes and their descendants,"¹⁹ in April, 1852. A sum of five thousand dollars together with all fines collected for violation of the thirteenth article of the constitution, which prohibited Negroes from coming into the state, and voluntary contributions, were to be used to constitute a State colonization fund

¹⁸ Barkshire v. The State, 7 Indiana (1856), 309.

¹⁹ The Revised Statutes of the State of Indiana (1852), XVIII.

for Negroes to live in Africa. Three thousand dollars was to be used to buy land in Africa, which was to be called the Indiana colony. One hundred acre lots were to be given to the Negroes. Those already sent to Liberia were also privileged to receive one hundred acres of land. Each Negro upon leaving for Africa was to be given fifty dollars out of the Colonization Fund. There was to be a State Board of Colonization, which was to administer the work of the movement to Africa.²⁰

Another way to determine Indiana's attitude toward the Negro emigrants is to site her reaction toward the Fugitive Slave Act of 1850. This act was to amend and to supplement the Fugitive Slave Act of 1793. Most Indianians were either hostile or indifferent toward the act of 1793. One example of the attitude expressed toward the act of 1793 is shown in a case appealed to the Supreme Court of Indiana in 1849. This case was appealed from the Elkhart Circuit Court. The indictment was for a riot against Joseph A. Graves, Elisha W. Colman, and Hugh P. Longmore. The riot was caused by the defendants in arresting a Negro as a fugitive slave, who was claimed by Graves as his property, and by the interference of others with a view of preventing the defendants from forcibly taking the Negro before the Magistrate. The Justice of the Peace decided that the Negro's warrant was insufficient and discharged him. The case was appealed to the Supreme Court. The opinion of the Court was that the Constitution of the United States secures the owner of a fugitive slave the same right to seize him in a state to which he has escaped or fled, that such owner had in the state from which the slave escaped.²¹

²⁰ Ibid., 223.

²¹ Graves and Others v. The State, 1 Indiana (1849), 397.

The provisions of the act of 1850 were similar to those in the act of 1793. Owners had a right to go into other states in pursuit of their escaped slaves. The testimony of slaves was not to be used as evidence. Any one who should knowingly prevent an agent from arresting a fugitive or should aid or assist a fugitive to escape, or should harbor or conceal such a person would be subject to a fine not to exceed one thousand dollars, and an imprisonment of six months. Officers could employ as many persons as was necessary in catching a fugitive slave. They were to retain these persons as long as it was necessary. By this part of the Fugitive Slave Act, the citizens of Indiana were not to harbor fugitive slaves, neither were they to aid them in escaping. And they could be required to become fugitive slave catchers, a position that was not thought well of by some Indianaians.

Indian's senior Senator Jesse D. Bright was a member of a group of thirteen who were chosen to submit a compromise bill on the subject of slavery in the Mexican cessions, the slave trade, the admission of California, and the fugitive slave question.²² Mr. Bright was not a native of Indiana, but was born in New York. He always took the most extreme Southern point of view on all slavery questions. He owned several slaves, was a pro-slavery man and agreed with every section of the bill. Mr. Bright was absent on the day the bill was voted on. Mr. Bright stated: "I did not vote for the fugitive slave law . . . for the reason that I was not in my place."²³

²² Charles H. Money, "The Fugitive Slave Law of 1850 in Indiana," Indiana Magazine of History, XVII (1921), 167-168.

²³ Congressional Globe, 32 Cong., 1 Sess., 1123.

The junior Senator for Indiana was ex-Governor James Whitcomb.

Mr. Whitcomb's remark concerning the bill was

I did not approve of all the features of the bill . . . but I was ready and am yet ready to vote for it . . . And, I will add that whenever a bill of the kind referred to becomes a law, it will yet commend itself to the cheerful acquiescence and the support of a great majority of the people of both the North and the South.²⁴

Both Indiana senators were for the bill, although their reasons were different.

In 1850 Indiana had ten representatives in the lower house, eight Democrats and two Whigs.²⁵ Six voted for the bill, five Democrats and one Whig. Four opposed the bill, all of whom were Whigs. By a count of the votes on the bill, it will be seen that a majority of Indiana's elective representatives were in favor of the proposed law.

The elective representatives did not wholly express the will of all of the citizens of the state. At the next congressional election, because of their views concerning the Fugitive Slave Act of 1850, these persons had a hard fight to be re-elected. Seven of the ten were not sent back to Congress.

Public opinion expressed in the various newspapers in the state, was mixed concerning the fugitive slave act.²⁶ A growing minority would not live at peace with the law and especially as related to escaped slaves. There were those who opposed the law but were not willing to be concerned with it. Some thought that it was for the best interest of the North and South and that it would create harmony in the Union. Others were in favor of the bill because it would probably

²⁴ Congressional Globe, 31 Cong., 1 Sess., 1314.

²⁵ Money, "The Fugitive Slave Law of 1850 in Indiana," Indiana Magazine of History, XVII, 169.

²⁶ Ibid., 170-171.

keep the Negro out of Indiana. On a whole it is believed that the minority in Indiana who opposed the bill, were able to impress those who were luke-warm and wanted to win them to their side on the question of the bill.

There were six features of the bill that the Hoosiers did not agree with. First, the law denied trial by jury. To the citizens, this law treated the slave worse than pagan Rome treated her slaves. Secondly, the slave did not have the right of the writ of habeas corpus. This writ was a bulwark of American liberty. Thirdly, this act offered a direct bribe to the commissioner for every decision in favor of the claimant. The people of Indiana were certainly not going to chase slaves over the whole state upon the command of some coarse, brutal, slave driving agent. The agent by law could require persons to aid them in apprehending slaves. This part was bad in the sight of all Hoosiers. The law was ex-post facto, as applied to slaves who had escaped before its passage, ex-post facto laws were unconstitutional. Were the Quakers, who had worked so hard so long with the Underground Railroad, and worked even harder to get the Negro adjusted, going to let people come in and take them away? The people who came in before 1850 had accomplished much and the citizens were not willing to let them leave. The citizens also felt that they were taxed to aid the slave catchers. These catchers were to be paid two dollars per day out of the federal treasury for their services. These provisions would not be tolerated even by Southerners had they not been the rulers.²⁷ This action was to be expected in Indiana, whether they were in favor of or opposed to slavery. The citizens still had some respect for human rights and liberties.

²⁷ Ibid., 175-180.

When the law began to operate, the people of Indiana began for the first time to see the horrible evils of slavery. For several years most of the people had not experienced the slave system. Some had never seen the evils of this horried institution and were probably pro-slavery as long as they were not disturbed by it. When slave catchers came in the state with their brutal methods and broke up homes by any method known, this revealed to the people of Indiana what slavery was like.²⁸

Another factor which caused the Hoosiers to turn against the Fugitive Slave Act and the slave system, was the method used in the trials which were carried on in the state. Slaveholders from several states came into Indiana to attend trials for their slaves. Many times the Negro concerned was not the slave of the person who claimed him or her.²⁹

One of the most important cases was that of John Freeman held in 1853. Freeman, a free Negro from Georgia, came to Indianapolis in 1844. He was married to a girl living in the home of Henry Ward Beecher. Reverend Pleasant Ellington, a Methodist minister of Missouri, claimed Freeman as his slave. The courts found that Freeman was the runaway slave of Ellington. Popular sentiment and the moral backing of the community, however, saved Freeman from being sold into slavery. In all sections of the state people sent in their protest concerning the evils of the trial and the evils of the slave owners, who illegally claimed free Negroes.³⁰

²⁸ Ibid., 182-183.

²⁹ Ibid., 190-193.

³⁰ Ibid., 196-197.

Another important case was the West case.³¹ West was claimed by a man in Kentucky. The agent of the owner was arrested on a charge of kidnapping or stealing a free Negro. In the trial West was proven to be the slave of the Kentucky owner, and under heavy guard, after many obstacles were overcome, West arrived in Louisville where the owner was safe with his property.

As proven by the above cases, the popular feeling in Indiana was not in favor of the operations of this new law. These feelings are important in that they are expressed only a few years before the Civil War, which was to decide the slave question.

The attitude of the Hoosiers toward the Negro slave or free Negro varies in the first years of the state's existence. There were always three view points concerning the Negro and slave. There were some who were in favor of the Negro as a freeman, others favored the Negro as a slave, and lastly, there were those who were not in favor of the Negro slave or free. At times in the early period, the people were sending in pro-slavery and antislavery petitions.³² Some years one group would send in a pro-slavery petition and the next year the same group would send in an antislavery petition and could give as good reasons for the antislavery petitions, as well as for the pro-slavery petition. After sixteen years of bickering with the slave question in the Indiana Territory, the majority at the constitutional convention were not in favor of slavery and caused an antislavery clause to be included in the constitution of 1816.

In 1850 at the constitutional convention, the citizens of Indiana were still antislavery but were now also anti-Negro. They did not

³¹ Ibid., 257.

³² See ante pages 12 to 23.

want Negroes to come into the state and were willing to aid those who wanted to leave the state. The constitution was adopted in 1851 and it was declared legal to refuse Negroes admission into Indiana.

After the passage and workings of the Fugitive Slave Act of 1850 were seen by the people of Indiana, their attitude was changed to that of being more inclined to be antislavery. This changed attitude coming as it did a few years before the Civil War, might have been a factor in the position that Indiana took in the war.

After the Constitution of 1816 was approved and adopted, no references to Negroes were given in any laws that were passed by the General Assembly. The Negro in Indiana during the years from 1816 to 1831, except for a few court cases, seems to have been a "forgotten man." There were no major disturbances of the Negroes in Indiana and the lawmakers saw no reasons to be concerned with the Negro and his activities. During the period from 1831 to 1850 all of the laws passed concerning Negroes were slightly hostile toward them. Beginning with the year 1831, a series of laws were made concerning Negroes. These laws placed certain restrictions and limitations on the activities of Negroes. Since the Negroes did not cause any outstanding disturbances in Indiana prior to 1831, it is believed that the activities of Negroes in some of the other states prompted the citizens of Indiana to make laws regulating Negroes, so as not to have the same disturbances in Indiana.

The period from 1830 to 1850 has been appropriately labeled "The Age of the Black Prophet."³³ It has been so-called because many Negroes began to tell their people "to cease his supine apathy and docility, and arise and assert himself."³⁴ In 1829 David Walker of

³³ Carroll, Slave Insurrections in the United States, 1800-1865, 118.

³⁴ Ibid., 121.

North Carolina wrote a pamphlet, Appeal in Four Articles Together With A Preamble to the Colored Citizens of the World, but in Particular, and Very Expressly to those of the United States of America. This pamphlet was to appeal to the pride of Negroes. It is stated that Walker had projected an insurrection, but died in 1830. In 1831 Nat Turner's insurrection was held in Virginia. The number of persons killed is not known and the influence it had on Negroes in general also is not known. Free Negroes were accused of being the instigators of the Turner insurrection.³⁵

During the period from 1830 to 1850 there was a rise of abolitionists. Such men as William Lloyd Garrison, Benjamin Lundy, and some militant clergymen such as Elijah Lovejoy, and others of a different type, including Henry Ward Beecher, Charles Sumner and Wendell Phillips.³⁶ The work of these men along with that of free Negroes caused citizens of all states to become frantic with fear and rage.

After the Nat Turner Insurrection, several states passed laws limiting the activities of Negroes. This was also true with the state of Indiana. The people probably having fear of the free Negroes and those fugitives who were coming into the state, deemed it necessary to pass laws restricting Negroes in Indiana.

³⁵ Ibid., 151.

³⁶ Ibid., 128-129.

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